

HAMILTON COUNTY LOCAL RULES

ORDER OF ADOPTION

PURSUANT TO TRIAL RULE 81 OF THE INDIANA RULES OF PROCEDURE, THE HAMILTON COUNTY CIRCUIT AND SUPERIOR COURTS HEREBY ADOPT THE FOLLOWING RULES TO AID IN THE FAIR AND EFFICIENT RESOLUTION OF DISPUTES. THESE RULES APPLY TO ALL ATTORNEYS AND PRO SE LITIGANTS. THESE RULES (OR THEIR SUBPARAGRAPHS) SHALL BE CITED TO THE COURT AS:

“HAMILTON COUNTY LOCAL ADMINISTRATIVE RULE ____” (OR “LR29-AR__- ____”);

“HAMILTON COUNTY LOCAL TRIAL RULE ____” (OR “LR29-TR__- ____”);

“HAMILTON COUNTY LOCAL CRIMINAL RULE ____” (OR “LR29-CR__- ____”);

“HAMILTON COUNTY LOCAL FAMILY LAW RULE ____” (OR “LR29-FL__- ____”);

“HAMILTON COUNTY LOCAL JURY RULE ____” (OR “LR29-JR__- ____”);

“HAMILTON COUNTY LOCAL TRIAL DE NOVO RULE ____” (OR “LR29-DN__- ____”),

“HAMILTON COUNTY LOCAL PROBATE RULE ____” (OR “LR29-PR__- ____”); AND

“HAMILTON COUNTY LOCAL JUVENILE RULE ____” (OR “LR29-JV__- ____”),

AND SHALL BE SO CITED WHEN BEING RELIED UPON IN SUPPORT OF ANY ACTION SOUGHT BY THE COURT.

THESE RULES ARE GENERALLY NOT APPLICABLE TO SMALL CLAIMS PROCEEDINGS BECAUSE THOSE PROCEEDINGS ARE GOVERNED BY THE INDIANA RULES FOR SMALL CLAIMS AND THE HAMILTON COUNTY SMALL CLAIMS LITIGANT’S BOOKLET. HAMILTON COUNTY LOCAL TRIAL RULE 210, HOWEVER, GOVERNS THE SELECTION OF A SPECIAL JUDGE IN A SMALL CLAIMS CASE.

ORDERED ADOPTED AS AMENDED AND EFFECTIVE THIS 12TH DAY OF AUGUST, 2007.

JUDITH S. PROFFITT, JUDGE
HAMILTON CIRCUIT COURT

STEVEN R. NATION, JUDGE
HAMILTON SUPERIOR COURT No. 1

DANIEL J. PFLEGING, JUDGE
HAMILTON SUPERIOR COURT No. 2

WILLIAM J. HUGHES, JUDGE
HAMILTON SUPERIOR COURT No. 3

J. RICHARD CAMPBELL, JUDGE
HAMILTON SUPERIOR COURT No. 4

WAYNE A. STURTEVANT, JUDGE
HAMILTON SUPERIOR COURT No. 5

GAIL BARDACH, JUDGE
HAMILTON SUPERIOR COURT No. 6

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HAMILTON COUNTY LOCAL RULES

HAMILTON COUNTY LOCAL ADMINISTRATIVE RULES

LR29-AR00-101. COURT HOURS

101.10 The Hamilton County Circuit and Superior Courts shall be in session Monday through Friday, legal holidays excluded, and during such other hours as each court may, from time to time, direct or otherwise post.

LR29-AR00-102. COURT CLOSING

102.10 When weather conditions or other emergencies arise, any court closing shall be made by the judge of the Court after consultation with County Officials and the Sheriff. The Court shall make a reasonable effort to contact litigants scheduled for court if the Chronological Case Summary has the addresses and telephone numbers of the attorneys or pro se litigants.

102.20 The Court shall not be responsible for contacting attorneys and pro se litigants if the Chronological Case Summary does not contain a current address where notices and orders are to be sent and a current telephone number where the attorney or pro se litigant can be reached during normal business hours.

LR29-AR12-103. FACSIMILE TRANSMISSIONS

103.10 The Circuit and Superior Courts of Hamilton County authorize the Hamilton County Clerk of Courts to accept pleadings, motions and other papers by electronic facsimile transmission for filing in any case pending before the Courts, subject to the following requirements:

- a. The transmission must be accompanied by a cover sheet meeting the requirements of the Indiana Supreme Court Administrative Rule 12 (D).
- b. The transmission must include the CCS entry form and proposed orders as required by LR29-TR77-202.
- c. The transmission may not exceed ten (10) pages in length including the cover sheet and proposed CCS entry.
- d. The sending party must keep and maintain the transmission log required by Indiana Supreme Court Administrative Rule 12(B)(3) and (4).
- e. The electronic facsimile transmission will not be accepted for filing if its filing requires the payment of any fee other than the electronic facsimile transcription fee set forth in paragraph 103.20 of this rule.

103.20 Pursuant to Ordinance heretofore adopted by the Hamilton County Board of Commissioners, the Clerk shall collect an electronic facsimile transcription fee of One Dollar (\$1.00) per page, to a maximum of Ten Dollars (\$10.00) per transmission, for each electronic facsimile transmission accepted for filing with the Hamilton County Circuit and Superior Courts. The fee shall be assessed against the sending party and shall be paid by that party within 30 days of the transmission. In the event the fee is not paid by the sending party within the time limits provided, the electronic facsimile transmission for which fee was incurred shall be subject to a Motion to Strike by a party or by the Court. The striking of the electronic facsimile transmission, however, shall not affect the imposition of the transcription fee. The Clerk may

refuse an electronic facsimile transmission from any attorney or pro se litigant who has failed to pay these fees within 30 days.

103.30 Electronic facsimile transmissions will be accepted for filing only during the regular business hours as set forth in LR29-AR00-101. Transmissions received by the Hamilton County Clerk after close of business shall be filed effective the next regular business day.

103.40 The Clerk shall accept electronic facsimile transmission filings only if received at the facsimile machine assigned by the Clerk.

LR29-AR00-104. PLAN FOR ALLOCATION OF JUDICIAL RESOURCES

104.10 The Circuit and Superior Courts of Hamilton County have previously adopted various rules concerning the filing of certain types of matters in the Hamilton County Circuit and Superior Courts. Unless changed by addition, amendment and/or deletion, those rules remain in effect. In conjunction with the adoption of this Local Rule and plan, the following Hamilton County Local Rules also affect the allocation of judicial resources:

LR29-AR00-105. Protective Orders; LR29-AR00-110. Assignment of Infraction and Ordinance Violation Cases; LR29-TR76-210. Transfer of Small Claims, Infraction and Ordinance Violations Cases and Protective Orders in the Event of Disqualification; LR29-CR00-301. Criminal Random Filing; LR29-CR00-302. Clerk Procedures to Accomplish Criminal Random Filing; LR29-CR00-303. Filing Rule; LR29-CR00-304. Filing Felony Cases Arising From Juvenile Waiver Hearings; LR29-DN01-602. Rules for Trial De Novo Following Civil Judgments; LR29-DN02-603. Rules for Trial De Novo Following Judgments for Infractions or Ordinance Violations; LR29-PR00-702. Filing of Pleadings; and, LR29-JV00-801. Assignment of Juvenile Case Numbers.

104.20 All requests for a prosecutor subpoena shall be filed in Superior Court No. 4 and Superior Court No. 5 on an alternating basis.

104.30 Pursuant to IC 33-33-29-8, Superior Courts No. 4, 5, and 6 each have a standard small claims and misdemeanor division. Said courts shall provided for an evening session at least one day of each week.

104.40 The judges of the Courts of record of Hamilton County shall meet at least once annually for the purpose of reviewing the weighted caseload of each court, and at such other times as may be required either by the Courts themselves or to comply with new orders of the Indiana Supreme Court or to comply with the District Plan.

104.50 The judge of the Circuit Court may with the consent of the judge of a receiving Superior Court, transfer any action either filed and/or docketed in the Circuit Court to the Superior Court to be re-docketed and disposed of as if originally filed with the receiving Superior Court. The judge of a Superior Court may, with the consent of the judge of the receiving Circuit Court or other receiving Superior Court, transfer any action either filed and/or docketed in the Superior Court to the Circuit Court or the other Superior Court to be re-docketed and disposed of as if originally filed with the receiving Court.

LR29-AR00-105. PROTECTIVE ORDERS UNDER IC 5-2-9-2.1

105.10 PROTECTIVE ORDER FILING:

- a.** All protective orders (PO) shall be filed in Superior Court No. 6.
- b.** Once the PO has been acted upon, if there is a related dissolution action pending in any other Hamilton County Court, the PO will be transferred to said court and consolidated with said action for hearing purposes.

c. For a change of judge pursuant to Trial Rule 76(B) or 79(C), see LR29-TR76-210.50.

d. From time to time, the Courts may provide orders to assist the Clerk in implementing the Protective Orders Filing procedures.

LR29-AR00-106. FEES FOR THE HAMILTON COUNTY C.A.R.E. PROGRAM

106.10 The Judges of Hamilton County have established the following fees for the Hamilton County Court Assisted Rehabilitative Effort (“C.A.R.E.”) program:

Case Management	\$ 50
Assessment only	\$150
Assessment and Victim Impact panel	\$165
Assessment, Victim Impact, and Education program	\$395

LR29-AR00-107. DUPLICATION FEES

107.10 The Judges of the Hamilton County, in order to comply with IC 5-14-3-8, have established the following fees for duplication of audio and video media when permitted by the Court:

Audio Tape	\$ 3.00/each
Video Tape	\$ 5.00/each
CD	\$ 5.00/each

LR29-AR00-108. POSSESSION OF DEADLY WEAPONS IN COURT

108.10 No person shall possess a deadly weapon in the Court, court offices, or in the hallways or areas adjacent to such court.

108.20 “Deadly weapon” is defined as follows:

- a. A loaded or unloaded firearm;
- b. A weapon, device, taser (as defined in IC 35-47-8-3) or electronic stun weapon (as defined in IC 35-47-8-1), equipment, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.

108.30 The Hamilton County Sheriff may establish any and all necessary procedures needed to carry out this rule.

108.40 The Hamilton County Sheriff and/or law enforcement officers shall search and seize all deadly weapons in violation of this rule. All seized deadly weapons shall be held by the Sheriff’s Department until further Order of the Court.

108.50 The Hamilton County Sheriff and/or law enforcement officers may detain persons which they have reason to believe possess such deadly weapons in violation of this rule long enough to obtain proper name, address, date of birth and social security number and/or to seize such deadly weapon.

108.60 Any person who possesses a deadly weapon in violation of this rule shall be immediately brought before the Court for a Direct Contempt Hearing.

108.70 This rule does not apply to any law enforcement officer while on active duty and after first obtaining permission from the Judge of the Court in which he/she is to appear and/or

Judicial Officer.

LR29-AR15-109. COURT REPORTERS AND PROCEDURES

109.10 The Official Court Reporter serving each court has not only the duties assigned by the Court she or he serves but also certain statutory duties. The purpose of this Rule is to establish personnel policies relating to the Court Reporters' special duties.

109.15 Definitions:

- a. "Court Reporter" is a person who is specifically designated by a court to perform the official court reporting services for the Court including preparing a transcript of the record.
- b. "Equipment" means all physical items owned by the Court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording and storing, and transcribing electronic data.
- c. "Work space" means that portion of the Court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
- d. "Page" means the page unit of a transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
- e. "Recording" means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- f. "Regular hours" worked means those hours which the Court is regularly scheduled to work during any given work week. Hamilton County required work hours are 37-1/2 per week.
- g. "Gap hours" worked means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
- h. "Overtime hours" worked means those hours worked in excess of forty (40) hours per work week.
- i. "Work week" means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e., Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
- j. "Court" means the particular court for which the court reporter performs services. Court may also mean a group of courts, i.e., county courts.
- k. "County indigent transcript" means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- l. "State indigent transcript" means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- m. "Private transcript" means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

109.20 A court reporter shall be permitted to type transcripts of official court proceedings during county-compensated hours. Equipment and supplies shall be used for the recording and/or preparation of such transcripts. If the recording or preparation of such transcripts requires overtime, such court reporter will be either paid overtime or given compensatory time.

109.25 A court reporter shall be paid an annual salary for time spent working under the control, direction, and direct supervision of the court during all regular work hours, gap hours, or

overtime hours.

109.30 The amount of the annual salary of each court reporter shall be set by each court subject to the approval of the Hamilton County Council.

109.35 The annual salary paid to the court reporter shall be for a fixed scheduled 37-1/2 regular working hours per week.

109.40 The court reporter shall, if requested or ordered, prepare any transcript during regular working hours.

109.45 In the event that preparing a transcript could not be completed during regular working hours, a court reporter shall be entitled to additional compensation beyond regular salary under the two options set forth below:

- a. Gap hours shall be paid in the amount equal to the hourly rate of the annual salary; and overtime hours shall be paid in the amount of 1-1/2 times the hourly rate of the annual salary; or
- b. Compensatory time off from regular work hours shall be given in the amount equal to the number of gap hours worked; and compensatory time off from regular work hours shall be given in the amount of 1-1/2 times the number of overtime hours worked.

109.50 Each court and each court reporter may freely negotiate between themselves as to which of the two options may be utilized and the Court and court reporter shall enter into a written agreement designating the terms of such agreement.

109.50 A court reporter may charge \$3.25 per page for county and state indigent transcripts. A court reporter shall submit directly to the county a claim for preparation of county indigent transcripts.

109.55 A court reporter may, at the request of another official court reporter, agree to prepare court proceedings of another court. Such preparation shall not be done on county-compensated hours, but county equipment and supplies may be used.

109.60 In addition, a court reporter may do private recording or preparation of depositions, but a court reporter shall not do any recording or preparation of private depositions during county-compensated hours, and county equipment and supplies shall not be used for recording or preparation of such depositions.

109.65 A court reporter may charge a maximum of \$3.25 per page for a transcript prepared for a private party; i.e., either a hearing transcript or deposition transcript.

109.70 The court reporter shall report on an annual basis to the State Court Administrator all transcript fees, whether county indigent, state indigent, or private received by the court reporter.

109.75 Modification of this policy may be made to meet the security, scheduling or other unique needs of a particular case. Any modification shall be by written order of the Court. An individual requesting modification of this policy should provide the Court a factual and/or legal basis for such request and specifically set forth what items are being requested. **(Form AR15-109).**

LR29-AR00-110. ASSIGNMENT OF INFRACTION (IF) AND ORDINANCE VIOLATION (OV) CASE NUMBERS

110.10 The Clerk shall as near equally as possible assign cause numbers for new filings of all IF and OV case types to Hamilton Superior Courts No.s 4, 5, and 6 (i.e., 1/3 in each court).

110.20 The Clerk shall accomplish the above by assigning cause numbers to the courts based upon the first letter of the defendant's or respondent's last name or other method as

the judges of said courts shall agree.

HAMILTON COUNTY LOCAL TRIAL RULES

LR29-TR03-201. FILING OF PLEADINGS AND ENTRY OF APPEARANCES

201.10 All pleadings shall be filed with the Hamilton County Clerk with the exception of emergency orders under Trial Rule 65.

201.20 All documents filed in any Hamilton County Court, with the exception of exhibits and existing wills, shall be prepared on paper measuring 8-1/2" x 11".

201.30 All attorneys and pro se litigants shall file appearances complying with Trial Rule 3.1.

201.40 Withdrawals of appearances by attorneys shall be permitted only with leave of Court. In both civil and criminal matters, attorneys requesting withdrawal will include in their motion the last known address of their client(s).

201.50 Pursuant to Trial Rule 5(B)(1)(d), the Circuit and Superior Courts of Hamilton County hereby designate the "mail boxes" located in the Clerk's order book office for service of pleadings upon attorneys who have such boxes.

201.60 All pleadings filed with the Court which require a certificate of service shall specifically name the individual party or attorney on whom service has been made, the address, the manner in which service was made and the date when service was made.

201.70 All filings shall be in compliance with the Indiana Rules of Trial Procedure. If the documents received are not in proper form, such deficiencies will not be corrected by court personnel. The Clerk is not required to notify Counsel or litigants of a filing deficiency.

201.80 Filing by facsimile transmission is permitted as set forth in LR29-AR12-103.

LR29-TR77-202. CHRONOLOGICAL CASE SUMMARY ENTRIES AND PROPOSED ORDERS

202.10 Chronological Case Summary entries shall accompany each pleading or document which is filed on a form (**Form TR77-202**) provided by the Court or in substantial conformity therewith.

202.20 Each Motion, Petition or other request for relief shall be accompanied by a proposed order. Opposing counsel may submit proposed alternative orders to the Court.

202.30 The Court shall not be required to act on any Motion, Petition or other request for relief unless filed in conformity with these General Rules.

202.40 All proposed orders submitted by counsel pursuant to these General Rules shall meet the following requirements:

- a. Contain a complete distribution list of all attorneys and pro se litigants with full addresses.
- b. Sufficient number of copies of such proposed order as follows: original for court, one copy for court file, and one copy for each attorney of record and pro se litigant.
- c. Envelopes appropriately addressed for each attorney of record and pro se litigant on the distribution list.

LR29-TR00-203. BRIEFS AND MEMORANDUMS

203.10 Authorities relied upon which are not cited in the Northeastern Reporter system shall be attached to counsel's brief. If the authority is cited for the first time in oral argument, a copy of the authority may be provided to the Court at the time of the argument. Sufficient copies shall be available to provide counsel for each party with a copy.

LR29-TR79-204. SPECIAL JUDGES

204.10 After a special judge is selected, the attorneys or pro se litigants shall add to the caption of all pleadings to the right of the case title the following:

"BEFORE SPECIAL JUDGE _____."

204.20 After a special judge has qualified, a copy of each pleading and Chronological Case

Summary entries filed with the Court shall be mailed or delivered to the office of that Special judge by the counsel or pro se litigant with service indicated on the certificate of service.

LR29-TR00-205. TRIAL SETTINGS

205.10 All requests to schedule trials and hearings shall be in writing and shall contain the following information:

- a. Type of trial or hearing (i.e., jury trial, court trial, final hearing in dissolution, etc.).
- b. A good-faith estimate of the total court time needed for the trial or hearing.

205.20 Each request under LR29-TR00-205.10 shall be accompanied by a proposed written order with appropriate blanks for date and time and shall further include reference to those items set forth in LR29-TR00-205.10(a) and (b).

205.30 Every opposing attorney or pro se litigant who receives such an order and disputes the estimate of court time needed for the trial or hearing shall notify the Court in writing within ten (10) days of the receipt of the original order and give their own good-faith estimate of the total court time needed.

LR29-TR53-206. CONTINUANCES

206.10 Motions for continuance shall be in writing and include the following information:

- a. The date and time opposing counsel was advised that a continuance will be requested.
- b. Whether opposing counsel agrees with or objects to the request.
- c. The date and time of the hearing or trial for which a continuance is being sought.
- d. The approximate amount of time needed to elapse before the matter can be heard.
- e. A good-faith estimate of the time needed for such hearing or trial when rescheduled.

206.20 Unless good cause is shown, no motions for continuance will be considered unless filed at least five (5) days before a court trial or hearing, and at least ten (10) days before a Jury Trial.

206.30 All motions for continuance shall be accompanied by a proposed order in conformity with LR29-TR77-202 and LR29-TR00-205 containing a space for the Court to set a new date for the hearing or trial.

206.40 When an attorney enters an appearance, it is the attorney's responsibility to review the file and become aware of all previously scheduled hearing dates.

206.50 A signature by an attorney on the request for continuance is certification by that attorney that the client has been notified of the request, agrees to the continuance and to the reason for which the continuance is sought.

LR29-TR16-207. PRE-TRIAL CONFERENCES

207.10 An attorney who has the authority to stipulate to pre-trial matters shall attend the pre-trial conference.

207.20 The Court may order the parties to provide written pre-trial entries pursuant to Trial Rule 16 at the pre-trial conference.

207.30 The Court may impose sanctions pursuant to Trial Rule 16(k) and Trial Rule 37 for failure to provide written pre-trial entries.

LR29-TR00-208. TRIALS

208.10 Jury trials shall begin promptly at 9:00 a.m. unless otherwise directed by the Court. The attorneys and the litigants shall report at 8:30 a.m. on the first day of trial or at a time as the Court shall direct.

208.20 The Court reserves the right to require advance settlement conferences.

208.30 Court trials shall begin promptly at the time assigned. The attorneys and the litigants are encouraged to arrive substantially in advance of the scheduled time for the purpose of entering

into any last minute stipulations or agreements.

208.40 Trials shall adjourn or conclude between 4:00 p.m. and 4:30 p.m. or as the Court shall direct.

LR29-TR79-209. COORDINATED LOCAL RULE OF THE COUNTIES OF HAMILTON, ENACTED IN COMPLIANCE WITH T.R. 79 (H)

209.10 Pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Circuit and Superior Courts of Hamilton County, in conjunction with the Judges and Magistrates of the seven contiguous counties of Marion County, Indiana, have adopted the following rule to establish procedures for the selection of special judges in civil cases. Said rule, as approved by the Supreme Court of Indiana, is as follows:

209.20 This rule shall be subject to any previous standing orders for the appointment of judges which may be in effect or which may become effective subsequent to the entry of this rule, which standing orders may be entered by the Supreme Court of Indiana. Standing orders shall preempt this rule and shall take precedence over it.

209.30 Pursuant to Trial Rule 79, parties to a civil action may agree (with concurrence of the judge selected) to any particular special judge.

209.40 In the absence of an agreement as to a particular special judge, the parties, alternatively, may agree to have the regular sitting judge appoint a special judge from a list of local judges, magistrates, or senior judges.

209.50 In the absence of an agreement as to a particular special judge or an agreement to have the regular sitting judge appoint a special judge, the regular sitting judge shall name a panel consisting, wherever possible, of other judges and magistrates within the county where the civil action is situated. The available panel of judges from Hamilton County shall consist of the following:

- a. The Honorable Judith S. Proffitt, Judge of the Circuit Court.
- b. The Honorable Steven R. Nation, Judge of the Superior Court No. 1.
- c. The Honorable Daniel J. Pfleging, Judge of the Superior Court No. 2.
- d. The Honorable William J. Hughes, Judge of the Superior Court No. 3.
- e. The Honorable J. Richard Campbell, Judge of the Superior Court No. 4.
- f. The Honorable Wayne A. Sturtevant, Judge of the Superior Court No. 5.
- g. The Honorable Gail Bardach, Judge of the Superior Court No. 6.
- h. The Honorable David Najjar, Magistrate for Hamilton Superior Courts.
- i. The Honorable William Greenaway, Magistrate for Hamilton Superior Courts.

209.60 Should none of the above methods produce a special judge, the regular sitting judge shall select (on a rotating basis) one of the judges or magistrates from a contiguous county to the county where the civil action is situated, which counties are also contiguous to Marion County but excluding Marion County. The available panel of judges from Hancock County and Boone County consist of the following:

- a. The Honorable Richard D. Culver, Judge of the Hancock Circuit Court.
- b. The Honorable Terry K. Snow, Judge of the Hancock Superior Court No. 1.
- c. The Honorable Dan E. Marshall, Judge of the Hancock Superior Court No. 2.
- d. The Honorable Steve David, Boone Circuit Court.
- e. The Honorable Matthew C. Kincaid, Boone Superior Court No. 1.
- f. The Honorable James R. Detamore, Judge of the Boone Superior Court No. 2.

209.70 In the event that no judicial officer within Administrative District 8 is eligible to serve as special judge or the particular circumstance of the case warrants selection of a special judge by the Indiana Supreme Court, the judge of the Court in which the case is pending shall certify the

matter to the Indiana Supreme Court for appointment of a special judge.

LR29-TR76-210. TRANSFER OF SMALL CLAIMS, INFRACTION AND ORDINANCE VIOLATION CASES IN THE EVENT OF DISQUALIFICATION

210.10 For the orderly administration of the small claims, infraction, and ordinance violation dockets of Superior Court No. 4, Superior Court No. 5, and Superior Court No. 6, this Rule shall govern in the event that a judge of a small claims, infraction, or ordinance violation case orders a change of judge pursuant to Trial Rule 76(B) or disqualifies himself or herself pursuant to Trial Rule 79(C).

210.20 In the event that the judge of a small claims, infraction, or ordinance violation case in either Superior Court No. 4, Superior Court No. 5, or Superior Court No. 6 orders a change of judge pursuant to Trial Rule 76(B) or disqualifies himself or herself pursuant to Trial Rule 79(C), a special judge shall be selected by the Clerk by random selection of one of the remaining two (2) courts (i.e., either Superior Court No. 4, Superior Court No. 5, or Superior Court No. 6 as applicable).

210.30 PROTECTIVE ORDERS: In the event that the judge of Superior Court No. 6 orders a change of judge pursuant to Trial Rule 76(B) or disqualifies himself or herself pursuant to Trial Rule 79(C), a special judge shall be selected by the Clerk by random selection of one of the remaining two (2) courts (i.e., either Superior Court No. 4 or Superior Court No. 5).

LR29-TR79-211. APPOINTMENT OF SPECIAL JUDGES IN CIRCUIT AND SUPERIOR COURT NO.2

211.10 The regular judges of the Hamilton Circuit Court and the Hamilton Superior Court No. 2 will be required to disqualify from cases involving family members on a continuing basis, and that, pursuant to Ind. Trial Rule 79(C)(2), appointment of special judges will be required. In the interest of the orderly administration of justice, special judges should be available for such matters on a continuing basis. The Honorable Judith S. Proffitt is willing to serve in such capacity in Hamilton Superior Court No. 2, and the Honorable Daniel J. Pfleging is willing to serve in such capacity in Hamilton Circuit Court. In the event the regular judge of the Hamilton Circuit Court, the Honorable Judith S. Proffitt, becomes disqualified pursuant to Ind. Trial Rule 79(C)(2) in the Hamilton Circuit Court, the Honorable Daniel J. Pfleging is appointed as Special Judge. Should Judge Pfleging decline to qualify in a particular case, the matter should then be certified to the Indiana Supreme Court pursuant to Ind. Trial Rule 79(H). In the event the regular judge of the Hamilton Superior Court No.2, the Honorable Daniel J. Pfleging, becomes disqualified, pursuant to Ind. Trial Rule 79(C)(2), in the Hamilton Superior Court No. 2, the Honorable Judith S. Proffitt is

appointed as Special Judge. Should Judge Proffitt decline to qualify in a particular case, the matter should then be certified to the Indiana Supreme Court pursuant to Ind. Trial Rule 79(H).

LR29-TR65-212. DISSIPATION OF ASSETS AND REMOVAL OF CHILDREN FROM THE STATE

212.10 In any Domestic Relations case filed in Hamilton County, the parties shall not, without hearing or security:

- a. Transfer, encumber, conceal, sell or otherwise dispose of any joint property of the parties or asset of the marriage except in the usual course of business or for the

necessities of life, without the written consent of the parties or the permission of the Court; and/or

b. Remove any child of the parties then residing in the State of Indiana from the State with the intent to deprive the Court of jurisdiction over such child without the prior written consent of all parties or the permission of the Court.

HAMILTON COUNTY LOCAL CRIMINAL RULES

LR29-CR00-301. CRIMINAL RANDOM FILING

301.10 This Random Filing Rule does not apply to either civil cases or juvenile cases.

301.20 All misdemeanors (except those assigned to Superior Court No. 3 pursuant to Section 301.30 below) shall be randomly filed with 1/3 in Superior Court No. 4, 1/3 in Superior Court No. 5, and 1/3 in Superior Court No. 6 or other method as the judges of said courts shall agree. All class D Felonies shall be randomly filed with 1/3 in Superior Court No. 4, 1/3 in Superior Court No. 5, and 1/3 in Superior Court No. 6 or other method as the judges of said courts shall

agree. Reassignment of these cases shall be achieved by transferring cases originating in Superior Court No. 4 to either Superior Court No. 5 or Superior Court No. 6; transferring cases originating in Superior Court No. 5 to either Superior Court No. 4 or Superior Court No. 6; and, transferring cases originating in Superior Court No. 6 to either Superior Court No. 4 or Superior Court No. 5. In the event a subsequent reassignment is required (and neither Superior Court No. 4, nor Superior Court No. 5, nor Superior Court No. 6 is available) said case assignment shall be achieved by obtaining a new court assignment from all Hamilton County Courts using the Clerk's random assignment procedure.

301.30 Misdemeanor battery offenses and invasion of privacy offenses that do not involve operating while intoxicated (IC 9-30-5) offenses shall be filed in Superior Court No. 3. Reassignment of these cases will be achieved by randomly transferring said cases to either Superior Court No. 4, Superior Court No. 5, or Superior Court No. 6, with 1/3 of such transfers going to each of these three courts respectively.

301.40 All Murder (MR Case type), Class A (FA Case Type), Class B (FB Case Type), and Class C (FC Case Type) felonies shall be randomly filed per case type with 25% of each case type filed in Circuit Court, Superior Court No. 1, Superior Court No. 2 and Superior Court No. 3. Reassignment of these cases shall be achieved by obtaining a new court assignment using the Clerk's random assignment procedure of the Courts designated to accept this type of case.

301.50 The Clerk shall use a court-approved procedure which provides a tamper proof method for random assignment consistent with the foregoing paragraphs of this Criminal Rule.

301.60 From time to time, the Courts may provide orders to assist the Clerk in implementing the Criminal Random Filing procedures.

301.70 Pursuant to Indiana Criminal Rule 2.2(c), if a case is dismissed after filing, upon refiling it shall be assigned to the same court where it was originally assigned.

LR29-CR00-302. CLERK PROCEDURES TO ACCOMPLISH CRIMINAL RANDOM FILING

302.10 The Judges of the Hamilton Circuit Court and Hamilton Superior Courts approve the following procedures to be used in the Hamilton County Clerk's office to accomplish the Hamilton County Criminal Random Filing Order.

- a. Begin with a set number of cases which is evenly divisible by the applicable number of Hamilton County Courts.
- b. Divide the set number of cases by the percentages for each type of case per Court resulting in the number of each type case for each Court which shall equal the percentages.
- c. These cases are then pulled and/or selected for individual case number assignment one by one on an impartial random selection basis.

LR29-CR00-303. FILING CO-DEFENDANTS UNDER HAMILTON COUNTY CRIMINAL RANDOM FILING RULE.

303.10 It is hereby resolved that the following rule applicable to the filing of misdemeanor and felony cases shall be employed in the implementation of the Hamilton County Criminal Random Filing Rule.

- a. When the Prosecutor of Hamilton County, individually or through deputy prosecutors, elects to file a felony or misdemeanor case in which two or more individuals or entities are named as Defendants, at the time of the filing of said charges, said Prosecutor or Deputy Prosecutor shall file notice with the Clerk of Hamilton County that said case is to be treated under this rule.

- b. Upon receiving notice for treatment of a case under this rule, the Clerk shall take the following action:
- (1) First, the Clerk shall randomly select a Court designated to receive the type case being filed under the Random filing rule approved by the Judges of the Hamilton Circuit and Superior Courts,
 - (2) Second, the first named defendant in the multiple defendant information shall be assigned the next available cause number in the randomly selected Circuit or Superior Court.
 - (3) Third, the remaining Defendants shall each be assigned the next available cause number in the randomly selected Circuit or Superior Court in the order of their appearance on the charging information.
 - (4) Fourth, the Clerk shall treat each cause number assigned under this rule as a separate and distinct case, and shall remove from his/her random selection pool the number of cases assigned hereunder in order to maintain the percentage allocations set forth in the Random Filing Rule.
- c. Each Defendant's case filed under this rule shall be treated as a separate and distinct case, and Co-defendant's cases will not be consolidated for trial unless said consolidation is approved by separate order of the assigned Judge.
- d. The Clerk shall follow this rule only when the State files the co-defendant cases simultaneously.
- e. This rule shall remain in full force and effect unless otherwise modified, amended, or repealed by separate written instructions adopted by the Judges of the Hamilton Circuit and Superior Courts.

LR29-CR00-304. FILING FELONY CASES ARISING FROM JUVENILE WAIVER HEARINGS UNDER HAMILTON COUNTY RANDOM FILING RULE

304.10 The Clerk is ordered to treat new criminal filings which arise from the waiver of a juvenile matter to criminal court as a new criminal matter under the random filing rule and to assign said cause to the Court identified under said rule regardless of which court may have previously exercised juvenile jurisdiction prior to waiver, unless otherwise directed by the waiving court.

LR29-CR00-305. APPEARANCE BONDS

305.10 AMOUNT OF BOND: The Sheriff shall set the initial bond on warrantless arrests according to the Bond Schedule in Appendix A. In setting bonds on warrants, the Courts may use the Bond Schedule in Appendix A as a guideline.

305.20 SEPARATE BONDS: The Circuit and Superior Courts of Hamilton County will only accept appearance bonds written for one cause number and will not accept lump sum appearance bonds that apply to more than one cause number.

305.30 CONDITIONS OF BOND: All appearance bonds posted by defendants are subject to the following conditions: (a) defendant shall appear in court at all times required by the Court; (b) defendant shall not leave the State of Indiana without the prior written consent of the Court; (c) defendant shall not commit nor be arrested for another criminal offense; (d) defendant shall keep his or her attorney and the Court advised in writing of any change of address within 24 hours of such change; and (e) any other condition ordered by court. Pursuant to IC 35-33-8-3.2(a)(4) a defendant's release may also be conditioned upon refraining from any direct or indirect contact

with the alleged victim of an offense or other individual as ordered by the Court. Violation of any condition may result in the Court revoking the defendant's release on bond and issuing a rearrest warrant.

305.40 PROPERTY BONDS: The Circuit and Superior Courts of Hamilton County will grant a defendant's release on a property bond only after notice is sent to the Prosecuting Attorney and a hearing is set to determine whether such a bond is proper.

305.50 ALTERATION OF BOND: If a judicial officer has set the defendant's initial bond, then the judicial officer conducting the initial hearing may not alter the bond. If the Sheriff has initially set the bond according to the Bond Schedule, then the judicial officer conducting the initial hearing:

- a. shall adjust the bond to conform with the actual charges filed by the State;
- b. may increase the bond, if an increase is warranted by the circumstances;
- c. may reduce the bond, if multiple charges have been filed, to an amount not lower than the highest class bond for one charge (unstacking), if a reduction is warranted by the circumstances; and
- d. may release the defendant on his or her own recognizance for medical reasons if recommended by the Sheriff and if notice has been given to the prosecuting attorney.

In all other cases, a Court shall set a motion for a bond reduction for a hearing and the Court shall give notice of the hearing to the prosecuting attorney, defendant's counsel, and such persons required to be notified by law.

LR29-CR00-306. WAIVER OF MISDEMEANOR INITIAL HEARING

306.10 A defendant may waive an initial hearing for one or more misdemeanors only if the defendant is represented by an attorney, the defendant is not incarcerated, and the defendant and attorney comply with this rule.

306.20 If the misdemeanor charges have been filed with the Clerk, the attorney for the defendant must do the following prior to the scheduled initial hearing:

- a. Sign a Request for Waiver of Initial Hearing on the [**Form CR00-306**] approved by the Courts and available at the Magistrate's office; and
- b. File a written Appearance, a CCS entry [**Form TR77-202**], and the Request for Waiver of Initial Hearing at the clerk's office. The CCS entry should show the Request for Waiver of Initial Hearing either granted or denied and provide spaces for the Court to fill in the appropriate omnibus date, and dates for any pre-trial and trial settings that the Court would otherwise have set at the initial hearing.

306.30 If the misdemeanor charges have not been filed with the Clerk at the time the attorney wishes to waive the initial hearing, the attorney may do the following:

- a. Complete the paperwork required in LR29-CR00-306.20; and
- b. Deliver a courtesy copy to the Magistrate's Office along with a copy of the summons for the defendant's scheduled initial hearing date.

306.40 If an attorney attempts to waive the initial hearing prior to the filing of charges as provided in LR29-CR00-306.30, it is the attorney's responsibility to check with the Magistrate on the scheduled initial hearing date to make sure that the required paperwork was placed with the defendant's file. The magistrate and courts will not be responsible if a court issues a warrant for a defendant's failure to appear for an initial hearing after an attorney has attempted to waive the initial hearing prior to the filing of the charge.

LR29-CR00-307. AUTOMATIC DISCOVERY

307.10 GENERAL PROVISIONS:

- a. Within thirty (30) days from the entry of an appearance by an attorney for a defendant, or from the formal filing of charges, whichever occurs later, the State shall disclose all relevant items and information under this rule to the defendant, subject to Constitutional limitations and such other limitation as the Court may specifically provide by separate order, and the defendant shall disclose all relevant items and information under this rule to the State within ten (10) days after the State's disclosure. Both parties shall furnish items disclosed and required to be furnished under this Rule within a reasonable time thereafter.
- b. No written motion is required, except:
 - (1) To compel compliance under this rule;
 - (2) For additional discovery not covered under this rule;
 - (3) For a protective order seeking exemption from the provisions of this rule; or,
 - (4) For an extension of time to comply with this rule.
- c. Although each side has a right to full discovery under the terms of this rule, each side has a corresponding duty to seek out the discovery. Failure to do so may result in the waiver of the right to full discovery under this rule.

307.20 STATE DISCLOSURES:

- a. The State shall disclose the following materials and information within its possession or control:
 - (1) The names and last known addresses of persons whom the State intends to call as witnesses along with copies of their relevant written and recorded statements;
 - (2) Any written, oral, or recorded statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgment of such statements;
 - (3) If applicable, the State shall disclose the existence of grand jury testimony of any person whom the prosecuting attorney may call as a witness at any trial or hearing in the case. In addition, the State shall provide a copy of those portions of any transcript of grand jury minutes, within the State's possession, which contain the testimony of such witness or witnesses. If such transcripts do not exist, the defendant may apply to the Court for an order requiring their preparation;
 - (4) Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons;
 - (5) Any books, papers, documents, photographs, or tangible objects that the prosecuting attorney intends to use in the hearing or trial or which were obtained from or belong to the accused; and
 - (6) Any record of prior criminal convictions that may be used for impeachment of the persons whom the State intends to call as witnesses at any hearing or trial.
- b. The State shall disclose to the defendant(s) any material or information within its possession or control that tends to negate the guilt of the accused as to the offenses charged or would tend to reduce the punishment for such offenses.

c. The State may perform these disclosure obligations in any manner mutually agreeable to the State and the defendant. Compliance may include a notification to the defendant or defense counsel that material and information being disclosed may be inspected, obtained, tested, copied, or photographed at a specified reasonable time and place.

307.30 DEFENDANT DISCLOSURES:

a. Defendant's counsel (or defendant where defendant is proceeding pro se) shall furnish the State with the following material and information within his or her possession or control:

- (1) The names and last known addresses of persons whom the defendant intends to call as witnesses along with copies of their relevant written and recorded statements;
- (2) Any books, papers, documents, photographs, or tangible objects defendant intends to use as evidence at any trial or hearing;
- (3) Any medical, scientific, or expert witness evaluations, statements, reports, or testimony which may be used at any trial or hearing;
- (4) Any defense, procedural or substantive, which the defendant intends to make at any hearing or trial; and
- (5) Any record of prior criminal convictions known to the defendant or defense counsel that may be used for impeachment of the persons whom the defense intends to call at any hearing or trial.

307.40 ADDITIONS, LIMITATION, AND PROTECTIVE ORDERS:

a. Discretionary Disclosures: Upon written request and a showing of materiality, the Court, in its discretion, may require additional disclosure not otherwise covered by this rule.

b. Denial of Disclosure: The Court may deny disclosure required by this rule upon a finding that there is substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment resulting from such disclosure to defendant or counsel.

c. Matters not subject to Disclosure

(1) Work Product: Disclosure hereunder shall not be required of legal research or records, correspondence, reports, or memoranda to the extent that they contain the opinions, theories, or conclusions of the State or members of its legal or investigative staff, or of defense counsel or counsel's legal or investigative staff; and

(2) Informants: Disclosure of an informant's identity shall not be required where there is a paramount interest of non-disclosure and where a failure to disclose will not infringe upon the Constitutional rights of the accused. Disclosure shall not be denied hereunder of the identity of witnesses to be produced at trial or hearing.

(3) Protective Orders: Either the State or defense may apply for a protective order for non-disclosure of discovery required hereunder or any additional requested discovery.

307.50 DUTY TO SUPPLEMENT RESPONSES: The State and the defendant are under a continuing duty to supplement the discovery disclosures required hereunder as required upon the acquisition of additional information or materials otherwise required to be disclosed hereunder. Supplementation of disclosures shall be made within a reasonable time after the obligation to supplement arises.

307.60 SANCTIONS UPON FAILURE TO COMPLY: Failure of a party to comply with either the disclosure requirements or the time limits required by this rule may result in the imposition of sanctions against the noncompliant party. These sanctions may include, but are not limited to, the exclusion of evidence at a trial or hearing.

LR29-CR00-308. LATE PAYMENT FEE

308.10 Fines, court costs and civil penalties assessed for infractions, violations of municipal ordinances, felonies, misdemeanors or juvenile delinquency and juvenile status offenses are to be paid before 4:30 p.m. on the date they are assessed unless otherwise ordered. An order extending this deadline will be presumed to require payment on or before 4:30 p.m. of the extension deadline date or on the last business day of the extension period if a specific date is not set. If said fine, cost, or penalty is not paid in conformity with this rule or the court order extending the deadline, the Clerk may collect a late fee under IC 33-19-6-20, subject to the Court's authority to suspend said late fee for good cause.

308.20 Notwithstanding the above, a late fee shall not be assessed for any late payment of fine and costs imposed in the night court sessions of Superior Courts 4 and 5 until the Traffic Violations Bureau of those courts has forwarded notice to the Bureau of Motor Vehicles of failure to pay.

LR29-CR00-309. COLLECTION OF PROBATION USER FEES

309.10 The Circuit and Superior Courts of Hamilton County direct the Hamilton County Clerk of Courts to be the designee for the Hamilton County Department of Probation Services to collect probation users' fees for probation services provided by the Hamilton County Department of Probation Services and to remit said fees to the proper authorities. This rule shall remain in effect until the Clerk of Hamilton County shall decline to serve as designee or until a majority of said judges determine that such designation should be withdrawn.

HAMILTON COUNTY LOCAL FAMILY LAW RULES

LR29-FL00-401. PRELIMINARY ORDERS

401.10 Preliminary Orders in dissolution of marriage cases shall be typewritten or prepared on the Preliminary Order forms provided by the Courts; however, the Court, at its option, may accept legibly handwritten Preliminary Orders.

LR29-FL00-402. FINANCIAL DECLARATIONS, SUPPORT WORK SHEETS, VISITATION, AND CHILDREN COPE WITH DIVORCE WORKSHOP

402.10 Parties shall complete in full Indiana Child Support Obligation Worksheets (**Form FL00-402A**) and Financial Declarations (**Form FL00-402B**) on the forms adopted by the Court in all contested matters involving child support or disposition of assets. Parties must date and file these forms prior to any hearing or trial. Financial Declarations shall be exchanged by the parties and filed with the Court not less than three working days before any preliminary hearing and not

less than ten working days before the final hearing. Child Support Worksheets shall be exchanged and filed with the Court on the hearing date. Child Support Worksheets must be attached to all proposed orders and decrees addressing child support.

402.20 If there are any assets or obligations not disposed of by written agreement between the parties, the litigants must prove the value of the assets and the amount of obligations at the hearing. Financial Declarations shall be considered as received in evidence subject to cross-examination. Direct examination, on matters in the Financial Declaration, should be confined to unusual factors which require explanation, or to corrections.

402.30 Prior to April 1, 2001, Hamilton County Circuit and Superior Courts had adopted Visitation Guidelines which are attached for information purposes in Appendix B. Effective April 1, 2001, the Indiana Supreme Court adopted Indiana Parenting Time Guidelines, which can be found at www.in.gov/judiciary/rules/parenting/index.html.

402.40 In the matters of child support and child support arrearages a CCS entry must be submitted to the Court in the following form:

“Court finds Petitioner’s/Respondent’s current Child Support obligation to be \$_____ per week/month as of __/__/200__, which modifies/affirms prior Child Support Order of _____. Petitioner’s/Respondent’s arrearage established in the amount of \$_____ as of ____/____/200__. Additional payment of \$_____ per week/month toward arrearage.”

402.50 The Circuit and Superior Courts of Hamilton County, find that it would be in the best interest of the minor child or children of the parties to encourage mediation and cooperation between divorcing parents prior to and after dissolution of their marriage. The Courts further find that a Mandatory Education Workshop will aid parents in post-separation parenting; aid development of healthy child/parent relationships in a post separation setting; be in the best interest of the minor child/children and; encourage agreements between the parties concerning child related matters.

a. Both of the parties in any cause of action for Dissolution of Marriage, in which there is a minor child/children under eighteen (18) years of age, attend a workshop entitled “Children Cope with Divorce.” Attendance shall be mandatory for all parties in a Dissolution of Marriage action that is filed on or after February 1, 1993, if there is a minor child/children under eighteen (18) years of age.

b. The four-hour course shall be completed by both parties within Sixty (60) days of the filing of the Petition for Dissolution and prior to the Final Hearing. Parties are responsible for paying the cost of this program, with allowance for a waiver of the fee for indigence.

c. The parties in this cause of action are ordered to contact:

The Visiting Nurse Service, Inc.
4701 N. Keystone Avenue
Indianapolis, IN 46205
(317) 722-8201
1-800-248-6540

within 15 days of the filing of the Petition for Dissolution or the Receipt of Summons, whichever is sooner, to make an appointment to attend the workshop without further notice. Failure to complete the workshop can result in a party being ordered to appear and show cause why he/she should not be held in Contempt of Court and punished.

402.60 The Sheriff of Hamilton County is Ordered to make due service of the Notice of Order on the Respondent when the Petition for Dissolution is served and make due return thereon.

HAMILTON COUNTY LOCAL JURY RULES

LR29-JR04-501. SUMMONING JURORS.

501.10 A two-tier notice for summoning jurors will be used. The jury qualification form and notice will be the first tier and summoning the prospective juror at least one week before service will be the second tier.

HAMILTON COUNTY LOCAL TRIAL DE NOVO RULES

LR29-DN00- 601. RULES FOR TRIAL DE NOVO

601.10 This rule is adopted to implement the Supreme Court Rules of procedure regarding trial de novo requests from city and town courts. The application of this rule shall be coextensive with those rules.

LR29-DN01-602. RULES FOR TRIAL DE NOVO FOLLOWING CIVIL JUDGMENTS

602.10 Supreme Court Trial De Novo Rule 1 for following civil judgments in city and town courts is incorporated by reference.

602.20 BOND OR OTHER UNDERTAKING:

- a. The party filing the request for trial de novo shall file with the Clerk of the Court a surety bond or cash deposit in accordance with Supreme Court Rule 1(C)(1). The bond or cash deposit required by Supreme Court Rule 1(C)(1) shall be in the amount of the judgment entered in the city or town court, plus an amount equaling eight percent (8%) of the total judgment as an allowance for interest. In any case where attorney fees have been awarded as part of the total judgment, the amount of bond shall be increased by

b. If unable to afford a surety bond or cash deposit, the party filing the request may instead file an affidavit of indigency and personal undertaking in accordance with Supreme Court Rule 1(C)(2) on a form prescribed by the Court (**Form DN01/02-602/03**).

- a. The Clerk shall not accept for filing or file a request for trial de novo unless it meets the requirement of Supreme Court Rule 1(B)(4). Further, the Clerk shall not accept or file a request for trial de novo supported by an affidavit of indigency and personal undertaking unless the affidavit and personal undertaking are on the form provided by the Courts. If a request for trial de novo supported by an affidavit of indigency and personal undertaking is accepted for filing, it may be ordered stricken from the record if the Court in which it is filed determines that the party filing the request is able to afford to post a surety bond or cash deposit, and the party fails to post the surety bond or cash deposit required within the time set by the Court.
- b. The Clerk shall docket the request for trial de novo and the copies of the complaint and any responsive pleadings as a small claims action on the small claims docket of either Superior Court No. 4, Superior Court No. 5, or Superior Court No. 6 unless the request for trial de novo demands that the trial be by jury, in which case the assignment may be to a Circuit or any Superior Court in the county.

603.10 Supreme Court Trial De Novo Rule 2 for infraction or ordinance violation judgments in city or town courts is incorporated by reference.

- a. The party filing request for trial de novo shall file with the Clerk of the Court a surety or cash deposit in accordance with Supreme Court Rule 2(D)(1).
- b. The bond required by Supreme Court Rule 2(D)(1) shall secure the State or municipality's claims, interest, and court costs, undertaking both the litigation of the trial de novo to a final judgment and payment of any judgment entered against a party filing the request by the trial de novo court.
- c. The bond shall be in an amount as follows:

"C" infraction and traffic ordinance violations	\$ 500.00;
"B" infraction	\$1,000.00;
"A" infraction and non-traffic ordinance violations	\$1,500.00;

plus the statutory costs in the trial de novo court.
- d. If unable to afford a surety bond or cash deposit, the party filing the request may instead file an affidavit of indigency and personal undertaking in accordance with Supreme Court Rule 2(D)(2) on the form prescribed by the Court (**Form DN01/02-602/03**).

a. The Clerk shall not accept for filing nor file any request for trial de novo unless it

meets the requirement of Supreme Court Rule 2(B). Further, the Clerk shall not accept or file a request for trial de novo supported by an affidavit of indigency and personal undertaking unless the affidavit and personal undertaking are on the form provided by the Courts. If a request for trial de novo supported by an affidavit of indigency and personal undertaking is accepted for filing, it may be ordered struck from the record if the Court in which it is filed determines that the party filing the request is able to afford to post a surety bond or cash deposit, and the party fails to post the surety bond or cash deposit required within the time set by the Court.

b. The Clerk shall docket and assign the request for trial de novo to the traffic division of either Superior Court No. 4, Superior Court No. 5, or Superior Court No. 6 as an infraction or ordinance violation proceeding.

603.40 NOTICE TO PROSECUTOR OR MUNICIPAL COUNSEL OF TRIAL DE NOVO:

a. Promptly after the request for trial de novo is filed and assigned to the appropriate court, the Clerk shall send notice of the request to the prosecuting attorney or the municipal counsel.

b. Upon receiving the notice of request, the Prosecutor or the municipal counsel is ordered to file, within fifteen (15) days, a duplicate infraction or ordinance complaint and summons alleging the infraction or ordinance violation as originally filed with the city or town court, together with any amended complaint alleging additional or amended counts also filed with the city or town court.

c. In the discretion of the prosecuting attorney or municipal counsel, and in lieu of filing such duplicate infraction or ordinance complaint and summons, the prosecuting attorney or the municipal counsel shall file with the Court a notice that no proceeding will be filed, together with a proposed order of dismissal including that the Clerk shall refund to the defendant the entire amount of any payment received from the city or town court. The order of dismissal shall also include a release of the surety bond, cash deposit, or personal undertaking.

LR29-DN03-604. RULES FOR TRIAL DE NOVO FOLLOWING MISDEMEANOR TRIAL IN CITY OR TOWN COURT

604.10 Supreme Court Trial De Novo Rule 3 for misdemeanor cases is incorporated by reference.

604.20 DEMAND: The written request for trial de novo must comply with Supreme Court Rule 3(B), but, in addition, must also contain the offense(s) of which the defendant was convicted in the city or town court to enable the Clerk to assign the request for trial de novo to the appropriate court pursuant to the Hamilton County Criminal Random Filing Rule.

604.30 FILING AND COURT ASSIGNMENT:

a. The Clerk of the Courts shall docket and assign the request for trial de novo as a misdemeanor in the appropriate Superior Court in accordance with the Hamilton County Criminal Random Filing Rule (LR29-CR00-301) if the request is sufficient to make such an assignment. If the request contains insufficient information to make such assignment, it may be accepted for filing conditioned upon the defendant providing, within ten (10) days, the information necessary to complete the assignment. If the defendant fails to provide this information within the time specified, then the request for trial de novo shall be stricken as unassignable.

b. The Court to which the request is assigned has full jurisdiction of the case and of the person of the defendant from the time the request for trial de novo is filed and assigned by

the Clerk.

604.40 BAIL OR INCARCERATION:

a. Stay of City or Town Court Judgment and Appearance Bond. At the time the request for trial de novo is filed, the defendant may also file with the Clerk a surety bond or cash deposit conditioned on appearance for trial and sentencing as required by applicable statutes on bail in criminal prosecution and in accordance **with the trial de novo bail schedule in Appendix C**. Filing of the bond or undertaking stays the judgment of the city or town court, and during the period of the stay the defendant shall not be subject to incarceration or probation orders of the city or town court. Any defendant who is incarcerated pursuant to the judgment of the city or town court shall be released upon the posting of this bond or cash deposit. If the defendant does not file the surety bond or cash deposit, the judgment of the city or town court shall not be stayed, and the defendant will remain incarcerated or subject to probation orders of the city or town court until the stay imposed under subsection (F)(1) of Supreme Court Rule 3 takes effect. Even if the defendant is not seeking a stay, the posting of such a bond will serve as an appearance bond for the defendant. If such surety bond or cash deposit is posted, then a summons shall be issued to the defendant in accordance with IC 35-33-4-1, in lieu of any warrant that the State may request pursuant to IC 35-33-2-1.

b. The city or town court may transfer any *cash* bond previously posted in the city or town court to the Clerk of the Court to be applied against the trial de novo bond. In addition, the trial de novo court may accept any *surety* bond previously posted in the city or town court to be applied against the trial de novo bond, but only if the trial de novo court receives written consent from the surety bondsman.

604.50 NOTICE TO THE PROSECUTING ATTORNEY:

- a. Promptly after the request for trial de novo is filed and assigned to the appropriate court, the Clerk shall send notice of the request to the prosecuting attorney.
- b. Upon receiving the notice of the request, the Prosecutor is ordered to file within fifteen (15) days a duplicate charging instrument charging the offense or offenses as originally filed with the city or town court together with any additional charging instrument charging additional or amended counts also filed with the city or town court.
- c. In the prosecuting attorney's discretion, and in lieu of filing such charging instrument, the State shall file with the Court a notice that no proceeding will be filed, together with a proposed Order of Dismissal, including that the Clerk shall refund to the defendant the entire amount of any payment received from the city or town court.
- d. Upon the filing of the charging instrument, the Court to which the request for trial de novo has been assigned, shall proceed in accordance with IC 35-33-2-1, to issue a warrant for the arrest of the defendant, or in accordance with IC 35-33-4-1, to issue a summons for the defendant to appear. If the defendant has posted a surety bond or cash deposit in accordance with paragraphs 604.40(a) or (b) above, then the Court shall issue a summons in lieu of a warrant.

604.60 NOTICE TO CITY OR TOWN COURT:

- a. Upon the filing of a request for trial de novo, the Clerk shall promptly send notice of the filing of the request to the city or town court from which the trial de novo was taken.
- b. The Clerk shall hold any fine or payment received from the city or town court pending the outcome of the trial de novo and shall apply the payment to any judgment for fine or costs imposed by the de novo court following the trial de novo, or to any order for

probation users' fees or recoupment of trial expenses otherwise authorized by law and ordered by the de novo court. If any amount of the original fine payment remains after application to judgments or orders imposed by the trial de novo court, the Clerk shall refund the balance to the defendant.

604.70 PROCEDURE WHEN PLEA OF GUILTY WAS ENTERED IN CITY OR TOWN COURT: If the defendant entered a plea of guilty in the city or town court, the procedure to be followed shall be in accordance with Supreme Court Trial De Novo Rule 3(G).

604.80 PROCEDURE WHEN PLEA OF NOT GUILTY IS ENTERED IN CITY OR TOWN COURT: If the defendant entered a plea of not guilty in the city or town court, the procedure to be followed shall be in accordance with Supreme Court Trial De Novo Rule 3(H).

HAMILTON COUNTY LOCAL PROBATE RULES

LR29-PR00-701. NOTICE

701.10 Whenever notice by publication and/or written notice by U.S. Mail is required to be given, the attorney shall prepare such notice and shall ensure that such notice is properly published and/or served by certified mail, return receipt requested. In all respects, the notice shall comply with all statutory requirements. It shall be the attorney's responsibility to ascertain and provide adequate proof thereof regarding whether notice was properly served prior to bringing a matter to the Court.

701.20 Copies of petitions or motions shall be sent with all notices where the hearing involved arises from the matters contained in the petition or motion.

701.30 Whenever any estate or guardianship account (including a final account in a supervised estate) is set for hearing, copies of the account must be served with the notice of hearing.

701.40 Notice of the opening of an estate shall be sent by First Class United States Mail to all reasonably ascertainable creditors; however, the use of "certified mail, return receipt requested," to serve such notice is recommended.

701.50 Notice of the hearing to be held on a Petition to determine an estate insolvent shall be served on all interested parties, including the local representative of the Inheritance Tax Division of the Indiana Department of Revenue.

LR29-PR00-702. FILING OF PLEADINGS

702.10 When pleadings are filed by mail or left with the Court for filing, a self-addressed, stamped envelope shall be included for return of documents to the attorney.

702.20 If petitions or motions are filed by electronic facsimile transmission, then such filing must conform with the requirements set forth in the trial rules and LR29-AR-103.

702.30 All parties are required to prepare orders for all proceedings except when expressly directed otherwise by the Court.

702.40 Every inventory and accounting filed in an estate or guardianship will be signed and verified by the fiduciary and signed by the attorney for the fiduciary.

702.50 All pleadings filed shall contain the parties' name, address and telephone number and/or the parties' attorney's name, address, telephone number and registration number.

702.60 The initial petition to open an estate or guardianship shall contain the name, address, social security number (in compliance with Indiana Administrative Rule 9) and telephone number of the personal representative or guardian, if a person.

702.70 The Instructions to the Personal Representative or Guardian, executed by the fiduciary, must be filed with the Court at the time letters are ordered issued in the proceeding (**Forms PR00-1, PR00-2, PR00-3, PR00-4**)

702.80 The affidavit of compliance with the notice provisions directed to creditors in an estate proceeding shall be timely filed with the Clerk of the Court.

702.90 ASSIGNMENT OF MH PROBATE CASE NUMBERS:

a. The Clerk shall assign cause numbers for new filings of all MH case types to Hamilton Superior Court No. 1 and Hamilton Superior Court No. 3.

b. The Clerk shall equally assign such new filings to Superior Court No. 1 and Superior Court No. 3 or other method as the judges of said courts shall agree.

702.100 ASSIGNMENT OF ES/EU, GU, AND TR PROBATE CASE NUMBERS: As requested by the parties, or directed by the judges, the Clerk shall assign cause numbers for new filings of ES/EU, GU, and TR case types to either Hamilton Superior Court No. 1 and/or Hamilton Superior Court No. 3.

LR29-PR00-703. ATTENDANCE OF PROPOSED FIDUCIARIES

703.10 All proposed personal representatives and guardians who are residents of Indiana shall appear before the Court to qualify.

703.20 Nonresident personal representatives and guardians shall either appear or submit an affidavit describing their education, employment, and lack of felony convictions.

703.30 Such personal representative or guardian is under a continuing order of the Court to personally advise the Court and the attorney or record in writing as to any change of any required information such as name, address, social security number, or telephone number.

LR29-PR00-704. REPRESENTATION OF FIDUCIARIES BY COUNSEL

704.10 No personal representative or guardian of an estate may proceed without counsel, without court approval.

LR29-PR00-705. BOND

705.10 In every estate and guardianship, the fiduciary, prior to the issuance of letters, shall file a corporate surety bond in an amount not less than the value of the personal property to be administered, plus the probable value of annual rents and profits of all property of the estate or in such amount as shall be set by the Court, except as hereafter provided:

- a. Where, under the terms of the Will, the testator expresses an intention that the bond be waived, the Court shall set a bond adequate to protect creditors, tax authorities, and devisees.
- b. Where the fiduciary is an heir or legatee of the estate, the bond may be reduced by said fiduciary's share of the estate, or the value of real estate, or other assets that cannot be transferred or accessed without court approval or order. The Court shall have the right to review the amount of bond if the Court should grant access to such property or asset.
- c. Where the heirs or legatees have filed a written request that the fiduciary serve without bond, the Court may set bond in an amount adequate to protect the rights of the creditors and tax authorities only.
- d. In an unsupervised estate, bond may be set at the discretion of the Court.
- e. No bond shall be required in any supervised estate or guardianship in which corporate banking fiduciary qualified by law to serve as such is either the fiduciary or one of several co-fiduciaries.

705.20 In lieu of a bond as required by LR29-PR00-705.10, the Court, upon the fiduciary's request, may restrict transfer of all or part of the estate or guardianship liquid assets by placing those assets in a federally-insured financial institution or in a court approved investment with the following restriction placed on the face of the account or in the investment document:

**“NO PRINCIPAL OR INTEREST SHALL BE WITHDRAWN WITHOUT
WRITTEN ORDER OF _____ COURT OF
_____, INDIANA.”**

The fiduciary shall thereafter file with the Court within ten (10) days of the order authorizing the creation of the account or investment, a certification by an officer of the institution at which the account or investment has been created, affirming that the account or investment is restricted as required by the Court order and is in compliance with this rule (**Form PR00-5**).

705.30 All petitions to open an estate or guardianship shall set forth the probable value of the personal property plus the estimated annual rents and profits to be derived from the property in the estate or guardianship.

705.40 The name and address of the insurance agency providing the corporate surety shall be typed or printed on all corporate bonds in any estate or guardianship.

LR29-PR00-706. INVENTORY

706.10 An inventory shall be filed by the fiduciary in estates and guardianships as follows: Supervised estates, within sixty (60) days; guardianships, within ninety (90) days for permanent guardians and within thirty (30) days for temporary guardians. All times relate to the date of appointment of the fiduciary.

706.20 In the event a partial inventory is filed, all subsequent inventories must contain a recapitulation of prior inventories.

706.30 In the event that the personal representative should request that an inventory be sealed, the Court may, in its sole discretion, seal such inventory. If an inventory is sealed, it shall be maintained in the court reporter's evidence file in the Court in which such estate is filed.

LR29-PR00-707. REAL ESTATE

707.10 In all supervised estates and guardianships in which real estate is to be sold, a written professional appraisal shall be filed with the Court at the time of filing the Petition for Sale, unless such appraisal was filed with the inventory. Such written appraisal shall include as a

minimum the following elements:

- a. A brief description of the property interest being appraised, including the full and legal description thereof.
- b. Purpose or objective of the appraisal.
- c. Date for which fair market value is determined.
- d. Data and reasoning supporting the fair market value.
- e. Fair market value determined.
- f. Statement of assumptions and special or limiting conditions.
- g. Certification of disinterest in real estate.
- h. Signature of the appraiser.

707.20 All such appraisals required by LR29-PR00-707.10 shall be made within one year of the date of the Petition for Sale.

707.30 All deeds submitted to the Court for approval in either estate or guardianship proceedings shall be signed by the fiduciary and the signature notarized prior to its submission. All such deeds shall be submitted with the Report of Sale of Real Estate or at the time of the hearing on the Final Account. Copies of such deeds shall be submitted with the Report of Sale of Real Estate or at the time of the hearing on the Final Account. Copies of such deeds shall be filed with the Court for its records.

707.40 Whenever a Final Decree reflects that real estate has vested in heirs or beneficiaries, the Decree shall be recorded with the County Recorder of the County where any such real estate is

located and evidence of said recording shall be provided to the Court with the Supplemental Report.

707.50 No Personal Representative's Deed shall be approved in unsupervised estates.

LR29-PR00-708. SALE OF ASSETS

708.10 In all supervised estates and guardianships, no Petition to Sell Personal Property shall be granted unless a written appraisal prepared by a person competent to appraise such property and setting forth the fair market value thereof, is filed with the Court at the time of the filing of the Petition to Sell, unless such appraisal was filed with the inventory. This rule shall not apply to personal property which is sold at public auction.

708.20 All appraisals required by LR29-PR00-707.10 shall be made within one year of the date of the Petition to Sell.

708.30 No written appraisal shall be required for the sale of assets which are traded in a market and the value of which is readily ascertainable. Such assets include, but are not limited to, stocks, bonds, mutual funds, commodities, and precious metals.

LR29-PR00-709. CLAIMS

709.10 Three (3) months and fifteen (15) days after the date of the first published notice to creditors, the fiduciary, or the fiduciary's attorney, shall examine the Claim Docket and shall allow or disallow each claim filed against the estate.

LR29-PR00-710. ACCOUNTING

710.10 Whenever an estate cannot be closed within one (1) year, the personal representative shall:

- a. File an intermediate account with the Court within thirty days (30) after the expiration

of one (1) year and each succeeding year thereafter. The accounting shall comply with the provisions of IC 29-1-16-4 and 29-1-16-6 and:

(1) Shall state facts showing why the estate cannot be closed and an estimated date of closing.

(2) Shall propose partial distribution of the estate to the extent that partial distribution can be made without prejudice to distributees and claimants; or

b. File a statement with the Court stating the reasons why the estate has not been closed. In addition, the Court reserves the power to require the personal representative to comply with the accounting provisions of sub-part (a) above.

710.20 All guardianship accountings shall contain a certification of an officer of any financial institution in which guardianship assets are held, verifying the account balance **(Form PR00-5)**.

710.30 All social security or Medicare benefits received on behalf of an incapacitated person shall be included and accounted for in the guardianship accounting unless court approval has been previously granted to allow said funds to be paid directly to a residential or health care facility, or because of the amount of such funds, the Court finds that such funds can only be used by the guardian or designated person for the benefit of use of such incapacitated person.

710.40 In all supervised estate and guardianship accountings, vouchers or canceled checks for the expenditures claimed shall be filed with the accounting. No affidavits in lieu of vouchers or canceled checks will be accepted from individual fiduciaries, unless prior written approval is granted by the Court in which the Court may set forth any and all additional conditions and/or extra ordinary circumstances needed for such approval. An affidavit in lieu of vouchers or canceled checks may be accepted from a state or federally chartered financial institution who serves as a fiduciary, provided the financial institution retains the vouchers or canceled checks on file or by electronic recording device and makes same available to interested parties upon court order. The Court may require such institution to provide a certification from its Internal Audit Department verifying the accuracy of the accounting.

710.50 In all supervised estate and guardianship accountings, a notation shall be placed by each expenditure indicating the reason for or nature of the expenditure unless the payee name indicates the nature of the expenditure.

EXAMPLE: Bogota Drugs - Toiletries for incapacitated person
Dr. John Jones

Sam Smith - Repair roof of home at 162 Maple Street, Anytown, Indiana
Tendercare Nursing Home

710.55 All accountings to the Court shall contain an itemized statement of the assets on hand.

710.60 Receipts or canceled checks for all final distributions shall be filed either in the final report, or a supplemental report, before discharge will be granted by the Court.

710.65 All accountings shall follow the prescribed statutory format. Informal, handwritten, or transactional accountings will not be accepted, except as permitted by LR29-PR00-714.

710.70 All court costs shall be paid and all claims satisfied and released before the hearing on the Final Account and a Clerk's Certification thereof **(Form PR00-6)** shall be filed with the Court before such Final Account shall be approved.

710.75 The Federal Estate Tax Closing letter and the Indiana Inheritance Tax Closing letter (or the countersigned receipt) or a photocopy thereof, showing payment of all Federal Estate and/or Indiana Inheritance Tax liability in the estate, executed by the Internal Revenue Service or the Indiana Department of State Revenue, shall be attached to the Final Accounting at the time of

filing, unless the Court has given prior written approval to attach such letter to the Final Report, after filing but prior to the hearing on the Final Accounting.

710.80 When an individual has been appointed to handle the financial affairs of a protected person, an accounting shall be filed within thirty (30) days after the first anniversary of the date the guardianship letters were issued. Thereafter, unless a contrary order is issued by the Court, all accountings shall be filed biennially.

LR29-PR00-711. FEES OF ATTORNEYS AND FIDUCIARY

711.10 No fees for fiduciaries or attorneys shall be paid out of any supervised estate or guardianship without prior written order of the Court.

711.20 All orders for fees in estates shall provide that said fees are to be paid only after approval of the Final Accounting except the Court may in its sole discretion, if all paperwork has been properly filed, award partial attorney or fiduciary fees when the Indiana Inheritance Schedule is filed or the Federal Estate Tax Return is filed.

711.30 A guardian or guardian's attorney may petition for fees at the time of filing an inventory. Other than as provided hereafter, no further petition for fees may be filed until a biennial, annual, or final accounting has been filed. When unusual items of substantial work occur during the proceedings, the Court may consider a petition to allow fees for such services.

711.40 No attorney or fiduciary fees will be determined and authorized for payment by the Court in any unsupervised administration of a decedent's estate.

711.50 Where contracts for legal services have been entered into prior or subsequent to the opening of an estate or guardianship, the Court reserves the right to approve or disapprove the fee contracts consistent with this court's fee guidelines.

711.60 All petitions for fees for the attorney and/or fiduciary shall conform to the fee guidelines set forth by this Court and shall specifically set forth all services performed in detail as well as the amount of the fee requested and how it has been calculated (**Form PR00-7**).

711.70 Unjustified delays in carrying out duties by the fiduciary and/or attorney will result in a reduction of fees.

711.80 Attorney fees for representing a minor in settlement of a claim for personal injuries are subject to court approval. If the entire attorney fee is to be paid at the same time a structured settlement is approved, the amount of the fee must be based on the present value of the settlement.

LR29-PR00-712. UNSUPERVISED ADMINISTRATION

712.10 No petition for administration without court supervision shall be granted unless the consent requirement of IC 29-1-7.5-2(a) is fulfilled.

712.20 All court costs shall be paid and all claims satisfied and released on or before the date of the filing of the Closing Statement and a Clerk's Certification thereof (see attached form) shall be filed with the Court at the time such Closing Statement is filed with the Court.

712.30 Every Closing Statement shall comply with LR29-PR00-710.10 (**Form PR00-6**).

712.40 The Court will not enter an order approving the Closing Statement since such estate is closed by operation of law.

LR29-PR00-713. MISCELLANEOUS

713.10 If the Court determines that no Inheritance Tax Schedule is required to be filed, a copy of

the Court's order shall be served on the local representative of the Inheritance Tax Division of the Indiana Department of Revenue.

713.20 The Court may adapt procedures by standing order to effectuate the implementation of these rules, and may deviate from these rules when justice requires, but only upon showing of severe prejudice or hardship.

LR29-PR00-714. GUARDIANSHIPS

714.10 In all guardianship matters seeking to declare an adult incapacitated for any reason, the incapacitated person shall be present at the hearing or sufficient evidence shall be presented showing that the incapacitated person is unable to appear. The Court may at any time appoint a guardian ad litem to investigate and protect the best interest of the incapacitated person (**Forms PR00-8, PR00-9**).

714.20 In all guardianship matters seeking to declare an adult incapacitated for any reason, a Physician's Report by the doctor treating the alleged incapacitated person or such additional evidence as the Court shall require, shall be presented to the Court at the time the petition is filed or on the hearing date. No determination will be made without a supporting medical report or testimony (**Form PR00-10**).

714.30 Pursuant to IC 29-3-3-4(a) no guardian of an adult shall be appointed or protective order entered without notice except upon verified allegations that delay may result in immediate and irreparable injury to the person or loss or damage to the property.

714.40 In every petition for the appointment of a guardian of the person of a minor child, the following information shall be given:

- a. The child's present address.
- b. The places where the child has lived within the past two years and the names and present addresses of persons with whom the child has lived during that period.
- c. General information concerning school, health, etc.
- d. Whether, to petitioner's knowledge, any other litigation is pending concerning the custody of the child in this or any other state.
- e. Whether, to petitioner's knowledge, any person not a party to the guardianship proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child.

714.50 Current reports filed by a guardian of the person shall state the present residence of the incapacitated person and his or her general welfare. If the incapacitated person is an adult, a report of a treating physician shall be filed with the current report, verifying that the incapacity of the person remains unchanged since the date the guardianship was established or the date of the last current report and that the living arrangements for the incapacitated person are appropriate (**Forms PR00-10, PR00-11, PR00-12**).

714.60 Nothing herein shall be deemed as amending, superseding or altering the Probate Rules and Regulations promulgated by the Veteran's Administration of the United States of America, and every fiduciary and attorney shall comply with same, if applicable.

714.70 Other than for routine matters, the guardian shall obtain court approval prior to taking any action on any financial matter pertaining to carrying out the guardian's duties and responsibilities for the protected person.

LR29-PR00-715. WAIVER OF NOTICE OF INHERITANCE TAX APPRAISAL

715.10 Waivers of notice of the time and place of the appraisal of each property interest of a

decedent for inheritance tax purposes and of the hearing on the appraisal report shall be filed on or before the date upon which the inheritance tax return is filed.

715.20 Such waivers of notice shall be signed by each person known to have an interest in the property interests to be appraised and by any person designated by the Court. A waiver filed by an entity other than an individual shall state the capacity of the person who has signed for such entity.

715.30 A waiver signed by an attorney or another person on behalf of a person who is entitled to notice under IC 6-4.1-5-3 and IC 6-4.1-5-9 shall include a copy of the power of attorney, letters of guardianship or other authority for the signer to act on behalf of such person. In the event that the interested person is a minor, the waiver shall include a statement of the relationship of the signer to the minor.

715.40 In the event that a waiver is not filed for each interested person, the personal representative shall, at the time of filing the inheritance tax return, provide notice of the time and place of the appraisal to each interested person who has not filed a waiver. Upon the filing of the appraiser's report, the personal representative shall provide notice of the time and place of the hearing on the report to all persons known to be interested in the resident decedent's estate, including the Department of State Revenue.

LR29-PR00-716. MINORS' SETTLEMENTS

716.10 This rule shall govern requests for approval of settlements for minors (pursuant to IC 29-3-9 and/or IC 29-3-4) and guardianships for minors, if such settlements are approved by the Court.

716.20 A hearing shall be set at the request of counsel in which testimony or evidence is presented so as to fully and independently satisfy the Court that the requested settlement fully protects the minor's rights and interests. The Court may at any time appoint a guardian ad litem to protect the best interest of the minor and investigate such settlement (**Forms PR00-8, PR00-13**).

716.30 In all settlement proceedings, whether wrongful death, minor's settlement or incapacitated person's settlement, the personal representative, one custodial parent or the guardian must be present at the time the settlement is presented to the Court for approval. The Court retains the right to require the presence of the minor or incapacitated person at such times.

716.40 If the Court should grant such settlement and a guardianship is needed, then the appointment of a guardian will be determined as set forth by statute and by these rules.

716.50 Once a guardian is appointed, then such guardian shall post bond pursuant to LR29-PR00-305.10, unless, in lieu of a bond, a fiduciary places all funds or assets in a restricted account at a federally-insured financial institution or in a court approved investment, designating that no principle or interest may be withdrawn without a written order of the Court, and with the following restriction placed on the face of the account or in the investment document (**Forms PR00-5, PR00-14**):

**“NO PRINCIPAL OR INTEREST SHALL BE WITHDRAWN WITHOUT
WRITTEN ORDER OF _____ COURT OF
_____, INDIANA.”**

The fiduciary shall file the following with the Court:

- a. Prior to issuance of letters, the fiduciary's attorney shall execute an Attorney's Undertaking for such assets (**Form PR00-15**).
- b. Within ten (10) days of the order authorizing the creation of the account or investment, a certification by an officer of the institution at which the account or investment has been created, affirming that the account or investment is restricted as required by Court order

and is in compliance with this rule.

716.60 No surety bond or restricted account is required where a corporate fiduciary serves as a guardian of the estate.

716.70 The guardian shall be required to file an inventory pursuant to LR29-PR00-705 unless such guardian has deposited all funds in a restricted account.

716.80 When the guardian files an accounting pursuant to LR29-PR00-710, then such guardian shall be required to attach a copy of the most recent bank statement showing any and all transactions on such bank account (**Forms PR00-12, PR00-16**).

716.90 Attorney fee awards must conform with LR29-PR00-711.

LR29-PR00-717. WRONGFUL DEATH ESTATES

717.10 All proposed wrongful death settlements must be approved by the Court, whether the estate is supervised, unsupervised, or a special administration for the sole purpose of prosecuting the wrongful death claim.

717.20 When an estate remains open one (1) year, the personal representative shall file a status report as to any wrongful death claims. If an action is pending, the report shall show the cause number and the Court.

717.30 When a judgment has been paid or a petition for approval of settlement is filed in any estate, a petition shall be filed showing the proposed distribution in accordance with IC 34-1-1-2. Such petition must set out the proposed distribution to the appropriate statutory damage distributives, such as:

- a. Expenses of administration;
- b. Providers of funeral and burial expenses;
- c. Providers of medical expenses in connection with last illness of decedent;
- d. Surviving spouse;
- e. Dependent children; and
- f. Dependent next of kin (if there is no surviving spouse or dependent children).

A proposed order shall be presented to the Court, ordering distribution in accordance with IC 34-1-1-2 and requiring that a final account as to the wrongful death proceeds be filed within thirty (30) days.

717.40 IC 34-1-1-8 does not provide for the opening of a minor's wrongful death estate.

LR29-PR00-718. ADOPTIONS

718.10 Except for good cause shown, no final hearings in adoption proceedings shall take place until the adopting couple (or the birth parent and adoptive stepparent) have been married for at least one (1) year and the child has been in the home of the adoptive parent(s) for at least three (3) months.

718.20 A consent to adoption must be notarized.

HAMILTON COUNTY JUVENILE RULES

LR29-JV00-801. ASSIGNMENT OF JUVENILE CASE NUMBERS

801.10 The Hamilton County Criminal Random Filing Rule (LR29-CR00-303) does not apply to juvenile cases. It is therefore necessary to establish assignment of Juvenile Delinquency and Juvenile Status Offense causes.

801.20 The Clerk of the Court shall assign cause numbers for new filings of all JS and JD case types to Hamilton Circuit Court and Hamilton Superior Court No. 1.

801.30 The Clerk shall file all cases involving juveniles with last names beginning with the letters A - L in Hamilton County Superior Court No. 1 and cases involving juveniles with last names beginning M-Z shall be filed in Hamilton Circuit Court.

801.40 The Clerk of the Court shall file all cases involving juvenile cases now filed in such court. Any cases involving new charges concerning a juvenile whose case is still pending disposition or is on probation supervision in Hamilton Superior Court No. 3 shall be filed by the Clerk in Hamilton Superior Court No. 3.

801.50 The designation of the Clerk concerning the proper court in which to file a cause shall take precedence over the designation of any other entity or individual, except upon specific order entered by the Judge of Hamilton Circuit Court, Hamilton Superior Court No. 1, or Hamilton Superior Court No. 3.

801.60 When a motion is filed requesting a joinder of juvenile cases because of such cases being related in subject matter or by individuals, the Court may, after finding probable cause, order such cases joined and the cases may be filed in one court regardless of the first initial of their name for the sake of judicial economy.

801.70 When a Judge disqualifies or recuses from a juvenile case, the Clerk shall reassign to another court pursuant to this rule. When the disqualification or recusal is by the Judge of the Hamilton Circuit Court, the Clerk shall reassign such case to the Hamilton Superior Court No. 1. Upon disqualification or recusal of Hamilton Superior Court No. 1, the Clerk shall reassign such case to the Hamilton Circuit Court.

801.80 In the event the above reassignment is not permitted and a subsequent reassignment is required, said case reassignment shall be achieved by obtaining a new court assignment from the remaining Hamilton County Courts using a random assignment procedure.

LR29-JV00-802. ACCESS CONFIDENTIAL JUVENILE RECORDS

802.10 The Circuit and Superior Courts of Hamilton County find that in order to facilitate effective legal representation of juveniles, it is necessary that confidential juvenile records be made accessible as follows:

- a. All persons permitted access pursuant to statute; and
- b. Paralegals and employees of the juvenile's attorney of record may have access to such juvenile files if they are acting at the direction of and under the control of such attorney of record. Written documentation may be required by the clerk before such paralegal or employee may have access to such juvenile files.

APPENDICES

APPENDIX A HAMILTON COUNTY BOND SCHEDULE
(LR29-CR00-305.10)

APPENDIX B HAMILTON COUNTY VISITATION GUIDELINES
(LR29-FL00-402.30)

APPENDIX C TRIAL *DE NOVO* BAIL SCHEDULE FOR MISDEMEANOR
OFFENSES
(LR29-DN03-604.40)

APPENDIX A
TO LR29-CR00-305.10

HAMILTON COUNTY BOND SCHEDULE

SCOPE: This bond schedule applies to all cases to be filed in the Circuit and Superior Courts of this County and in the City of Carmel and City of Noblesville Courts. THE SHERIFF OF HAMILTON COUNTY IS HEREBY ORDERED TO FOLLOW THIS BOND SCHEDULE FOR SETTING BONDS FOR ALL DEFENDANTS ARRESTED WITHOUT WARRANTS FOR CRIMINAL OFFENSES TO BE FILED IN THE ABOVE COURTS:

FELONIES:	MURDER	NO BOND
	HABITUAL OFFENDER	\$50,000
	CLASS A	\$50,000
	CLASS B	\$25,000
	CLASS C	\$10,000
	CLASS D	\$ 5,000

MISDEMEANORS:	CLASS A MISDEMEANOR	\$ 2,500
	CLASS B MISDEMEANOR.....	\$ 1,000
	CLASS C MISDEMEANOR.....	\$ 500

EXCEPTIONS: The following are exceptions to the above listed schedule:

Operating While Intoxicated, Second Offense (Class D felony)	\$ 7,500
Operating While Intoxicated Resulting in Serious Bodily Injury (Class D felony)	\$ 7,500
Dealing Marijuana Less Than 30 Grams (Class A misdemeanor)	\$ 3,750
False Reporting or Informing (Class A or B misdemeanor)	\$ 2,500
Leaving the Scene of a Property Damage Accident (Class B or C misdemeanor).....	\$ 2,500
Leaving the Scene of a Personal Injury Accident (Class A misdemeanor)	\$ 5,000
Operating While Intoxicated (Class C misdemeanor)	\$ 2,500
Operating a Vehicle With at Least .08 (Class C misdemeanor)	\$ 2,500
Operating a Motorboat While Intoxicated (Class C misdemeanor).....	\$ 2,500
Operating a Motorboat With at Least .08 (Class C misdemeanor).....	\$ 2,500
Refusal to Identify Self (Class C misdemeanor).....	\$ 1,500
Possession of Drug Paraphernalia (Class A misdemeanor)	\$ 1,000
Driving While Suspended (Class A misdemeanor)	\$ 1,000

BOND AMOUNTS ARE CUMULATIVE - EXCEPTIONS: If a defendant has been arrested for multiple charges, the bond amount shall be the total amount required for all charges, except for the following situations:

1. If a defendant has been arrested for multiple alcohol charges (operating while intoxicated, public intoxication, illegal consumption/transportation), only the highest class bond for one charge shall be imposed for all of the alcohol charges; and
2. If a defendant has been arrested for multiple misdemeanor charges, the total cumulative bond for all of the misdemeanors shall not exceed \$5,000.

BOND NOT AVAILABLE: This bond schedule shall not be used for any person arrested on a charge of Invasion of Privacy, Battery, or Stalking, nor be applicable to cases involving a defendant who has been arrested for a crime while on probation, parole, bond or release on defendant's own recognizance for another offense. In such case, the defendant shall be detained in custody until a Court establishes the bond.

SUPERSEDES: This Bail Bond Schedule supersedes all previous Bail Bond Schedules ordered by the Circuit and Superior Courts of this County and the Carmel and Noblesville City Courts.

SO ORDERED this 1st day of January, 2005.

Original signed by the Honorables Proffitt, Nation, Pfleging, Hughes, Campbell, Sturtevant, Bardach and Caldwell

**APPENDIX B
TO LR29-FL-402.40**

HAMILTON COUNTY VISITATION GUIDELINES

It is usually in the child's best interest that each parent has frequent, meaningful and continuing contact with the child. A visitation agreement made by both parents is preferred to a court imposed solution. However, if the parents are unable to agree on visitation, the following guidelines should be used in most cases. In situations where the non-custodial parent may not have had ongoing contact with the children, initial visitation may be shorter. Further, these provisions may not apply to very young children or situations where geographical distances between parents make compliance impossible. The parents, in exercising visitation, should be flexible enough to adapt to the circumstances, the child's age, ongoing activities and any religious holidays not set out below. The main goal of both parents should be to encourage and facilitate peaceful and frequent visitation of the children with the non-custodial parent.

If the parents do not agree otherwise, the following shall be considered the **MINIMUM** visitation to which the non-custodial parent shall be entitled.

A. VISITATION SCHEDULE WHEN ONE PARENT HAS SOLE CUSTODY OR PRIMARY PHYSICAL CUSTODY AND PARENTS RESIDE NO MORE THAN 150 MILES APART:

Weekend. Alternating weekends from 6:00 p.m. on Friday until 6:00 p.m. on Sunday (the starting and ending times may change to fit the parents' schedules).

Holidays. The non-custodial parent shall be entitled to holiday visitation as follows:

(1) In years ending in an odd number:

- (a) New Year's Day from 6:00 p.m. December 31 to 8:00 p.m. January 1
- (b) Memorial Day weekend from Friday at 6:00 p.m. until Monday at 8:00 p.m.
- © Labor Day weekend from Friday at 6:00 p.m. until Monday at 8:00 p.m.
- (d) Christmas Eve from 6:00 p.m. until noon Christmas Day
- (e) Evening before child's birthday from 6:00 p.m. until 9:00 p.m.

(2) In years ending in an even number:

- (a) Easter Sunday weekend from Friday at 6:00 p.m. until Sunday at 8:00 p.m.
- (b) July 4 from 6:00 p.m. July 3 until 8:00 p.m. July 4
- (c) Thanksgiving from 6:00 p.m. Wednesday until 8:00 p.m. Thursday
- (d) Christmas Day from noon until 9:00 p.m.
- (e) Day of child's birthday from 6:00 p.m. until 9:00 p.m.

(3) It is recognized by the Court that other days may be significant to families for religious reasons. If so, the Court recommends visitation days be allowed each parent based on an alternating schedule. If alternating visitation days cannot be agreed to by both parents, the issue may be addressed by the Court.

Conflicts between Regular Weekend, Holiday, and Extended Summer Visitation. When there is a conflict between a holiday weekend and the regular weekend visitation, the holiday takes precedence. Thus, if the non-custodial parent misses a regular weekend because it is the custodial parent's holiday, the regular alternating visitation schedule will resume following the holiday. If the non-custodial parent receives two consecutive weekends because of a holiday, the child will spend the following weekend with the custodial parent. When there is a conflict between holiday visitation and extended summer visitation, the holiday visitation takes precedence. When there is a conflict between regular weekend visitation and extended summer visitation, extended summer visitation takes precedence.

Mother's Day/Father's Day. Children shall be with their mother each Mother's Day and with their father each Father's Day, from 9:00 a.m. to 8:00 p.m..

Extended Visitation (Children Under 5). Up to three non-consecutive weeks during the year, the choice of the number of weeks to be determined by the non-custodial parent. At least 30 days notice of the intent to use a week shall be given. A week shall begin Friday at 6:00 p.m. and end Sunday of the following week at 8:00 p.m.

Extended Visitation (Children Over 5). One-half of the school summer vacation. At the option of the non-custodial parent, the time may either be consecutive or may be split into two segments. If the children attend summer school and it is impossible for the non-custodial parent to otherwise schedule the visitation that parent may elect to take that period when the children are in summer school (and be responsible for their attendance and transportation). Notice must be given by the non-custodial parent, in writing, on or before April 15 of each year. During periods of extended summer visitation, the non-visiting parent shall be entitled to alternating weekend visitation. However, both the custodial parent and the non-custodial parent, upon 30 days written notice to the other parent, shall be entitled to one period of two weeks in duration when they may, at their option, elect to take the child on an extended vacation; and the other parent shall not be entitled to alternating weekend visitation during said period.

B. VISITATION WHEN THERE IS SOLE CUSTODY OR PRIMARY PHYSICAL CUSTODY AND PARENTS RESIDE MORE THAN 150 MILES APART:

Children Under 5. Up to six non-consecutive, two-week segments annually, each separated by at least six weeks. This visitation is in lieu of alternating weekend and holiday visitation.

Children Over 5. All but three weeks of the school summer vacation, and on an alternating basis, the school winter vacation and spring break. This visitation is in lieu of alternating weekend and holiday visitation.

Notice. When the children are under five years of age, the non-custodial parent shall give at least 30 days of notice of each segment sought, while, when the children are over five, at least 60 days notice shall be given.

C. GENERAL RULES APPLICABLE TO ALL VISITATION:

The non-custodial parent shall give a minimum of three days notice of intent not to exercise all or part of a scheduled visitation.

Parents shall, at all times, keep each other advised of their home and work addresses and telephone numbers. So far as possible, all communication concerning the children shall be conducted between the parents in person or by telephoning at their residences (and not at their places of employment).

Each parent shall allow liberal but reasonable telephone and mail privileges with the children.

The custodial parent shall provide copies of all school and medical reports within 10 days of their receipt and shall notify the other parent immediately in the event of a medical emergency. The custodial parent shall inform the non-custodial parent of school, extra curricular, and/or social functions permitting parental participation within 24 hours of notification of such function.

Parents shall, at all times, avoid speaking negatively about each other and should firmly discourage such conduct by relatives or friends. Each parent should encourage the children to respect the other parent. The basic rules of conduct and discipline established by the custodial parent should be the baseline standard for both parents, and consistently enforced by both, so that the children do not receive mixed signals.

Parents are encouraged to have their children maintain ties with both the maternal and paternal relatives. In most cases, the children will visit with the paternal relatives during times the children are with their father and with the maternal relatives when with their mother.

Neither visitation nor child support is to be withheld due to either parent's failure to comply with a court order.

If the parties mutually agree to change any visitation schedule ordered by the Court to obligate themselves to a different visitation schedule, they shall petition the Court to approve and order that change. In the event that the parties do not obtain a court order, the Court shall not be bound to enforce any alleged agreement of the parties whether the agreement be verbal or written.

SO ORDERED this 1st day of January, 1997.

APPENDIX C
TO LR29-DN03-604.40

**TRIAL *DE NOVO* BAIL SCHEDULE
FOR MISDEMEANOR OFFENSES**

The bond required by LR29-DN03-604.40 shall be posted by cash deposit or surety bond and shall be in accordance with the following schedule:

Class A Misdemeanor	\$5,000.00
Class B Misdemeanor	\$3,000.00
Class C Misdemeanor	\$2,000.00

However, the following exceptions shall apply to the above listed schedule:

Operating with .10% Blood Alcohol Content (Class C Misdemeanor)	\$5,000.00
Contributing to the Delinquency of a Minor (Class A Misdemeanor)	\$2,000.00
Reckless Driving (No Property or Personal Injury) (Class B Misdemeanor)	\$2,000.00
Reckless Driving (Property Damage or Personal Injury) (Class B Misdemeanor)	\$5,000.00

If the request for trial *de novo* is on a finding of violation of probation, then bond shall be set as follows:

(a) If the defendant is on probation for a Class A Misdemeanor	\$7,500.00
(b) If the defendant is on probation for a Class B or C Misdemeanor	\$5,000.00

If the request for trial *de novo* involves multiple charges/convictions or where the defendant is on probation on multiple convictions, the bond applied shall be the total amount required for all offenses.

All bail bonds posted by the defendants are subject to the following conditions:

- (a) Defendant shall appear in court at all times required by the Court;
- (b) Defendant shall not leave the state of Indiana without the prior written consent of the Court.
- (c) Defendant shall not commit or be arrested for another criminal offense;
- (d) Defendant shall keep his/her attorney and the Court advised in writing of any change of address within twenty-four (24) hours of such change;
- (e) In appropriate cases the defendant may be required to refrain from any direct or indirect contact with an alleged victim of an offense or other individual as ordered by the Court pursuant to IC 38-33-8-3.1(a)(4).

A violation of any condition may result in revocation of bond and issuance of re-arrest warrant.

Originals signed by The Honorables Proffitt, Nation, Barr, Campbell and Sturtevant

TABLE OF HAMILTON COUNTY FORMS

(Forms are available in the office of the Hamilton County Clerk, in the office of Court Administration, and at the Hamilton County Courts' website: www.in.gov/hcc)

LOCAL ADMINISTRATIVE RULES FORMS

MODIFICATION OF COURT REPORTER POLICY

(LR29-AR15-109)

FORM AR15-109

LOCAL TRIAL RULES FORMS

CCS ENTRY (LR29-TR77-202.10)

FORM TR77-202

LOCAL CRIMINAL RULES FORMS

REQUEST TO WAIVE MISDEMEANOR I.H.

(LR29-CR00-306.20)

FORM CR00-306

LOCAL FAMILY LAW RULES FORMS

INDIANA CHILD SUPPORT OBLIGATION

WORKSHEET (LR29-FL00-402.10)

FORM FL00-402A

FINANCIAL DECLARATION (LR29-FL00-402.10)

FORM FL00-402B

LOCAL TRIAL DeNOVO RULES FORMS

AFFIDAVIT OF INDIGENCY (LR-29-DN01-602.20,

LR29-DN02-603.20)

FORM DN01/02-602/603

PROBATE RULES FORMS

INSTRUCTIONS FOR PERSONAL

REPRESENTATIVE OR GUARDIAN

(LR29-PR00-702.80)

INSTRUCTIONS TO PERSONAL

REPRESENTATIVE OF

SUPERVISED ESTATE

FORM PR00-1

INSTRUCTIONS TO PERSONAL

REPRESENTATIVE OF

UNSUPERVISED ESTATE

FORM PR00-2

INSTRUCTIONS TO GUARDIAN

FORM PR00-3

GUARDIAN'S GUIDE TO

PERFORMING FIDUCIARY DUTIES

FORM PR00-4

CERTIFICATION BY FINANCIAL OR INVESTMENT

INSTITUTION

(LR29-PR00-705.20, LR29-PR00-710.20, LR29-

PR00-716.50)

FORM PR00-5

PROBATE RULES FORMS (CONTINUED)

CLERK'S CERTIFICATE AS TO

COSTS/CLAIMS (LR29-PR 00-710.70, LR29-PR00-712.30)

FORM PR00-6

MAXIMUM FEE GUIDELINES FOR

SUPERVISED ESTATES (LR29-PR00-711.60)

FORM PR00-7

INSTRUCTIONS TO GUARDIAN

AD LITEM (LR29-PR00-714.10, LR29-PR00-716.20)

FORM PR00-8

GUARDIAN AD LITEM REPORT

INCAPACITATED PERSON (LR29-PR00-714.10)

FORM PR00-9

PHYSICIANS REPORT (LR29-PR00-714.20,

LR29-PR00-714.50)

FORM PR00-10

BIENNIAL REPORT OF GUARDIAN

MINOR (NO ASSETS) LR29-PR00-714.50 - NO

ASSETS)

FORM PR00-11

ORDER APPROVING BIENNIAL

REPORT (LR29-PR00-714.50, LR29-PR00-716.80)

FORM PR00-12

GUARDIAN AD LITEM REPORT

A MINOR (LR29-PR 00-716.20)

GUARDIANSHIP OF A MINOR

FORM PR00-13

REPORT FOR RELEASE OF FUNDS

(LR29-PR00-716.50)

FORM PR00-14

ATTORNEY'S UNDERTAKING AND

OBLIGATION (LR29-PR00-716.50(a))

FORM PR00-15

BIENNIAL REPORT OF GUARDIAN

MINOR RESTRICTED (LR29-PR00-716.80)

FORM PR00-16

MODIFICATION OF COURT REPORTER POLICY

LR29-AR15-109

FORM AR15-109

STATE OF INDIANA) IN THE HAMILTON _____ COURT
NO. _____

) SS:
COUNTY OF HAMILTON) CAUSE NO. _____

Plaintiff

vs.

Defendant

ORDER

Comes now the parties _____ and file their request for the court to modify its policy concerning depositions, which is in the following words and figures:
(H.I.)

And the court having reviewed such request now finds that such request should be granted based on:

- () Needs of the parties;
- () Concerns of any and all witnesses;
- () Needs for security and safety of all witnesses, parties, or community;
- () Other.

NOTE: Court may wish to expand by adding a to-wit: explanation following any of the above items.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the deposition of _____ may be conducted in the following manner:

- () Use of courtroom or hearing room;
- () Use of county recording equipment;
- () Use of county transcribing equipment and/or computer to prepare such deposition;
- () Use of county supplies for transcription;
- () Use of county copier;
- () Court reporter may record and/or transcribe such deposition on county-compensated time.

SO ORDERED THIS _____ DAY OF _____, 20____.

NOTICE TO:
11/10/98

JUDGE, HAMILTON _____ COURT NO. _____

CCS ENTRY
LR29-TR77-202.10
FORM TR77-202

IN THE SUPERIOR COURT NO.
OF HAMILTON COUNTY

CCS ENTRY

STATE OF INDIANA

CAUSE NO. 29DO _____

vs.

Date: _____

JUDGE'S APPROVAL: _____

The Clerk will please enter the following entry on the Chronological Case Summary (This entry will not appear in the Record of Orders and Judgments):

TYPE OR PRINT LEGIBLY

Attorney for defendant files Appearance and Request to Waive Misdemeanor Initial

Hearing. The Court approves the waiver and sets this cause for the following:

Omnibus date is _____, 20____;

Pre-trial conference is set on the above omnibus date at _____m.;

Bench trial is set for _____, 20____,
at 9:00 a.m. / 1:30 p.m.

Notice to all parties, including BONDSMAN.

Submitted by:

Attorney for the defendant

STATE OF INDIANA) IN THE SUPERIOR COURT NO. _____
) SS:
COUNTY OF HAMILTON) OF HAMILTON COUNTY

Attorney for the defendant

FINANCIAL DECLARATION

LR29-FL00-402.10

FORM 402B

STATE OF INDIANA) IN THE HAMILTON _____ COURT NO. _____
)SS
COUNTY OF HAMILTON) CAUSE NO. _____

Petitioner

vs.

Respondent

HUSBAND:

Name: _____

Address: _____

_____:

Employer: _____

Attorney for Husband: _____

Address: _____

Telephone No: _____

WIFE:

Name: _____

Address: _____

_____:

Employer: _____

Attorney for Wife: _____

Address: _____

Telephone No: _____

VERIFIED FINANCIAL DECLARATION OF _____

GROSS WEEKLY INCOME-Attach last 3 payroll stubs	AMOUNTS
1. SALARY and WAGES	_____
2. PENSIONS-RETIREMENT/SOCIAL SECURITY/DISABILITY/UNEMPLOYMENT WORKER'S COMP	_____
3. CHILD SUPPORT received from prior marriage	_____
4. DIVIDENDS and INTEREST	_____
5. RENTS/ROYALTIES less ordinary/necessary expenses	_____
6. BUSINESS/SELF-EMPLOYMENT INCOME-not after expenses	_____
7. COMMISSIONS/BONUSES/TIPS	_____
8. All other sources _____	_____
9 TOTAL GROSS WEEKLY INCOME (Total of Lines 1-8)	_____
WEEKLY DEDUCTIONS	

10. Weekly COURT ORDERED CHILD SUPPORT for prior children	_____
11. Weekly LEGAL DUTY CHILD SUPPORT for prior children	_____
12. Weekly HEALTH INSURANCE PREMIUMS (children of marriage only)	_____
13. Weekly ALIMONY/SUPPORT/MAINTENANCE Paid to prior spouses - amounts actually paid weekly	_____
14. SELF-EMPLOYED TAX (1/2 of weekly self-employment taxes)	_____
15 WEEKLY AVAILABLE INCOME (Line 9 less Lines 10 through 13)	_____
16. WORK RELATED CHILD CARE COSTS of custodial parent	_____
17. EXTRAORDINARY HEALTHCARE EXPENSES-uninsured only	_____
18 EXTRAORDINARY EDUCATIONAL EXPENSES	_____
19. TOTAL GROSS WEEKLY DEDUCTIONS FROM GROSS INCOME	_____
NET WEEKLY INCOME (Total line 9 minus total line 19)	_____

Monthly Expenses and Deductions From Income		
(weekly expenses x 4.3/annual expenses divided by 12)		
1. FEDERAL INCOME TAXES		
2. STATE INCOME TAXES		
3. LOCAL INCOME TAXES		
4. SOCIAL SECURITY TAXES		
5. RETIREMENT/PENSION FUND [Mandatory][Optional]		
6. RENT/MORTGAGE PAYMENTS [Primary Residence]		
7. RESIDENCE/PROPERTY TAXES/INSURANCE		
8. MAINTENANCE ON RESIDENCE/lawn care/maid/cleaning/pool		
9. FOOD AND SUPPLIES - at home/eating out with friends/children		
10. ELECTRICITY		
11. GAS/OIL/WOOD HEAT		
12. WATER/SEWER/SOLID WASTE/TRASH COLLECTION		
13. TELEPHONE (monthly base charge)		
14. TELEPHONE (long distance charges only)		
15. PERSONAL CLOTHING-shoes/shoe repair/alterations		
16. PERSONAL EXPENSES-hair/cosmetics/tobacco/film/cards/postage		
17. SPECIAL WORK EXPENSES-uniform/safety shoes/dues parking		
18. LAUNDRY/DRY CLEANING		
19. AUTOMOBILE - loan payment		
20. AUTOMOBILE - gas/oil/car wash		
21. AUTOMOBILE - repairs		
22. AUTOMOBILE - license plates/excise tax/auto club		
23. AUTOMOBILE - insurance		
24. CABLE TELEVISION charges		
25. MEDICAL/DENTAL EXPENSES (non-prescription/unreimbursed expenses)		
26. LIFE INSURANCE		
27. HEALTH INSURANCE		
28. DISABILITY/ACCIDENT/OTHER INSURANCE		
29. ENTERTAINMENT-clubs/travel/recreation/hobbies		
30. CHARITABLE/CHURCH CONTRIBUTIONS		
31. BOOKS/MAGAZINES/NEWSPAPERS		
32. HOME TAX PREPARATION/nonreimbursable business expenses		
33. CHILDREN - clothing/shoes		
34. CHILDREN - allowance/memberships in scouts/uniforms/fees		
35. CHILDREN - school lunches		
36. CHILDREN - book rental/tuition		
37. CHILDREN - lessons/extra curricular activities/tutors		
38. CHILDREN - summer school/drivers education		
39. CHILDREN - special babysitting		
40. OTHER EXPENSES		

INSTALLMENT PAYMENTS	Owner			CURRENT BALANCE	MONTHLY PAYMENT
	H	W	J		
41.					
42.					
43.					
44.					
45.					
46.					
47.					
48.					
49.					
50.					

TOTAL MONTHLY EXPENSES AND DEDUCTIONS FROM GROSS INCOME	\$	
AVERAGED WEEKLY EXPENSES AND DEDUCTIONS (divided by 4.3)	\$	

DESCRIPTION							
A. HOUSEHOLD FURNISHINGS, FURNITURE ELECTRONICS EQUIPMENT, APPLIANCES		GROSS VALUE	DEBT	NET VALUE	OWNER		
					H	W	J
1.	In Husband's possession						
2.	In Wife's possession						
B. VEHICLES (Make/Model/Year) including boats, RV's, motorcycles							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
C. CASH ACCOUNTS/CD'S (Name of bank account/last four digits of account number/account type)							
11.							
12.							
13.							
14.							
15.							
16.							
17.							
D. SECURITIES/STOCKS/BONDS							
18.							
19.							
20.							
21.							
E. REAL ESTATE (including mobile homes)		FMV	Mortgage	Net FMV			
Marital Residence (address):							
First Mortgagor:							
Second Mortgagor:							
23. Other real property:							
First Mortgagor:							
Second Mortgagor:							
F. DEFERRED COMPENSATION/ profit sharing/pension plans/Keoghs/IRA's/401k/SEP							
		% vested	Vested FMV				
24.							
25.							
26.							
27.							
28.							
29.							
30.							
G. BUSINESS INTERESTS		% interest	Interest's FMV		OWNER		
					H	W	J
31.							
32.							

H. LIFE INSURANCE (TERM and GROUP)						
Company Name:	Face Amt.	Policy#	Benfic.	H	W	J

33. _____						

I. LIFE INSURANCE (WHOLE)						
Company Name/Policy No.:	Cash Val	Loan	Net Val	H	W	I
34. _____						
35. _____						
36. _____						
OTHER ASSETS (Jewelry/collections/antiques/silver/china/art/cameras)						
37. _____						
38. _____						
39. _____						
40. _____						
41. _____						
42. _____						
43. _____						

List names, ages and relationships of persons living in your household:

Are other persons in your household working? _____

If so, who? _____

Occupation _____ Employer: _____

I declare under penalties for perjury that the foregoing, including any attachments, is true and correct, to the best of my knowledge and belief.

Signature: _____
 Printed Name: _____
 Dated: _____

You are under a duty to supplement or amend this Financial Declaration prior to final hearing if you learn the information provided is incorrect or the information provided is no longer true.

Prepared by:

AFFIDAVIT OF INDIGENCY
LR29-DN01-602.20, LR29-DN02-603.20
FORM DN01/02-602/03

STATE OF INDIANA)
)SS. IN THE CIRCUIT AND SUPERIOR COURT NO. _____
COUNTY OF HAMILTON) OF HAMILTON COUNTY

 CAUSE NO. 29D0 _____

Plaintiff

vs.

Defendant

AFFIDAVIT OF INDIGENCY
FOR DE NOVO APPEAL

I hereby affirm under the pains and penalties for perjury that I cannot afford to post a cash deposit or a surety bond in this case to secure my continued prosecution of a trial de novo, and to secure the payment of any judgment that may be entered against me. I request that the posting of a bond or cash deposit be waived. In support of this request, I affirm that the following information is true and correct.

Name: _____

Address: _____ Telephone: () _____

Usual occupation: _____ Currently employed: Yes No

Employer: _____ Health: _____

BRING HOME pay in each of last six months: \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____

If unemployed, how long? _____ Why? _____

List amount of any checking or savings account: _____

Cash you have: \$ _____ Money owed to you: \$ _____

Tax refund due? Yes No When _____ Amount \$ _____

Other income such as Unemployment, Disability, Child Support, Worker's Compensation:

\$ _____ What kind: _____ How much: \$ _____

How often: _____

Do you own real estate? Yes No Value \$ _____ Mortgage(s) _____

List all motor vehicles by year, make, model, value, and amount owed: _____

List all personal property such as tools, electronics, appliances, furniture, etc., over \$250.00:

Number of dependents: _____ Ages: _____ Do they live with you? _____

If no, do you pay support? Yes No Monthly amount: \$ _____ Arrearage \$ _____

List total monthly household expenses you pay: _____

List other adults that live with you by name, relation, and monthly bring-home pay: _____

List any debts over \$250.00 by who you owe and how much: _____

The cash deposit in this case would be \$ _____. I have contacted _____
_____ (list bonding agencies).

The cost to me of posting a surety bond in this case would be \$ _____.

I understand that the information given above will be used to determine whether or not I am able to post a cash deposit or surety bond in this case.

Under the pains and penalties for perjury, I hereby solemnly swear, or affirm, that the information above is true and correct to the best of my knowledge.

Date: _____

Signature

CERTIFICATE OF PERSONAL UNDERTAKING

I hereby certify to the court that:

1. I will appear at all time necessary and will prosecute the trial de novo in this cause to final judgment.
2. I will pay any judgment which might be entered against me as the result of the trial de novo in this cause.

Signed on the _____ day of _____, 20____.

Signature

ORDER

The plaintiff/defendant is found to be able/unable to afford to post a surety bond or cash deposit and the clerk is ordered to not permit the filing of the Request for Trial de Novo without such bond or deposit.

Date: _____

Judge, Hamilton Circuit/ Superior Court No. _____

INSTRUCTIONS TO PERSONAL REPRESENTATIVE
OF SUPERVISED ESTATE
LR29-PR00-702.80
FORM PR00-1

Read carefully: date and sign one copy and return it to the court within 10 days. Keep a copy for your reference.

You have been appointed PERSONAL REPRESENTATIVE of the estate of a deceased person. This makes you what is known in law as a “fiduciary” charged with the duty to act responsibly in the best interests of the estate and impartially for the benefit and protection of creditors and beneficiaries. You may be held personally liable if you breach this trust.

This is a SUPERVISED ADMINISTRATION. This means that your actions are supervised almost entirely by the court; therefore, before you take any action of importance to the Estate, such as the transfer or sale of assets, you must first seek the permission of the court. If you have any questions as to whether to seek court permission, you should discuss this with your attorney before taking any action.

Listed below are SOME of your duties. Ask your attorney to more fully explain these and to advise you of other duties you have in your particular circumstances. Although your attorney will assist you, the ultimate responsibility to see that the estate is properly handled rests with you.

INVESTIGATE, COLLECT AND PROTECT THE PROPERTY OF THE DECEDENT

1. Inspect all documents and personal papers of the decedent and retain anything pertinent to tax reporting, location and value of assets, debts or obligations of or to the decedent or any other items of significance to the administration of the estate of the decedent.
2. Complete change of address form at Post Office to have mail forwarded to you.
3. Open a separate account for the estate -- never combine estate funds with any other. Place estate funds in the estate account and use estate money only for estate purposes.
4. Locate and secure all property in which the decedent had any interest, separately or jointly. Maintain adequate insurance coverage.
5. Determine the values of all assets on the date of death, obtaining appraisals if needed.
6. Inventory the contents of any safety deposit box in the presence of a representative of the County Assessor. This is unnecessary if, on the date of death, you were married to the decedent AND you held the safety deposit box as a joint tenant with the decedent.
7. Collect proceeds of life insurance on the life of the decedent which is payable to the estate. Obtain Form 712 from the insurance company, if needed for taxes.
8. Sign your name as “Personal Representative for the Estate of (name of decedent)” on accounts and securities which are registered to the estate. Consent to Transfer forms are available from the County Assessor.

9. File with this court, within sixty (60) days from the date this court issued your letters, a verified inventory of all property belonging to the decedent on the date of death along with values as of that date.

PAY VALID CLAIMS AND KEEP RECORDS OF ALL DISBURSEMENTS

10. Personally notify decedent's creditors whom you can reasonably ascertain. Others are notified by publication in the newspaper. Generally, creditors have five (5) months after the date of first publication to submit their claims.
11. Pay legal debts and funeral bills and keep notations indicating the reason for each payment.
- a. Pay only priority claims timely filed if there is a question of solvency of the estate.
 - b. Do not pay bills which are doubtful but refer them for court determination.
12. Prepare and file appropriate state and federal income, estate and inheritance tax forms in a timely manner. Pay taxes due or claim applicable refunds.
13. Pay court costs when due; however, attorney's fees and fiduciary fees are only paid after written court order.
14. Keep records of all receipts and all paid bills and canceled checks or other evidence of distribution of any funds or assets of the estate for the Final Report to the Court.

DISTRIBUTE THE ASSETS OF THE ESTATE AND CLOSE THE ESTATE

15. File a Final Account with this court (with "vouchers" or canceled checks) within one year from the date you received your letters from this court. If you cannot meet this deadline, you must show good cause or an extension.
16. After court authorization, make distributions to the proper heirs or beneficiaries and obtain receipts for these.
17. File a supplemental report to the court (with "vouchers" or canceled checks) and obtain an order for closure of the estate.

JUDGE _____
HAMILTON SUPERIOR COURT NO. ____

I acknowledge receipt of a copy of the above instructions and have read and will follow these instructions carefully.

Cause Number: _____ Estate of: _____

Dated: _____

Signature of Personal Representative

Printed Name

**INSTRUCTIONS TO PERSONAL REPRESENTATIVE
OF UNSUPERVISED ESTATE**

LR29-PR00-702.80

FORM PR00-2

Read carefully: date and sign one copy and return it to the court within 10 days. Keep a copy for your reference.

You have been appointed PERSONAL REPRESENTATIVE of the estate of a deceased person. This makes you what is known in law as a “fiduciary” charged with the duty to act responsibly in the best interests of the estate and impartially for the benefit and protection of creditors and beneficiaries. You may be held personally liable if you breach this trust. As personal representative of an UNSUPERVISED ESTATE, you are required to send a notice to all interested persons of their rights relating to unsupervised estates per the rules of the court. Your attorney can provide you with a form of that notice; unless a proof of sending such a notice is filed with the court, you will not be permitted to continue as personal representative.

Listed below are some of your duties. Ask your attorney to more fully explain these and to advise you of other duties you have in your particular circumstances. Although your attorney will assist you, the ultimate responsibility to see that the estate is properly handled rests with you.

INVESTIGATE, COLLECT AND PROTECT THE PROPERTY OF THE DECEDENT

1. Inspect all documents and personal papers of the decedent and retain anything pertinent to tax reporting, location and value of assets, debts or obligations of or to the decedent, or any other items of significance to administration of the estate of the decedent.
2. Complete change of address form at the Post Office to have mail forwarded to you.
3. Open a separate account for the estate -- never combine estate funds with any other funds. Place estate funds in the estate account and use estate money only for estate purposes.
4. Locate and secure all property in which the decedent had any interest, separately or jointly. Maintain adequate insurance coverage.
5. Determine the values of all assets on the date of death, obtaining appraisals if needed.
6. Inventory the contents of any safety deposit box in the presence of a representative of the County Assessor. This is unnecessary if, on the date of death, you were married to the decedent AND you held the safety deposit box as a joint tenant with the decedent.
7. Collect any proceeds of life insurance on the life of the decedent which is payable to the estate. Obtain Form 712 from the insurance company, if needed for taxes.
8. Sign your name as “Personal Representative for the Estate of (name of decedent)” on accounts and securities which are registered to the estate. Consent to Transfer forms are available from the County Assessor.

9. File with this court, within sixty (60) days from the date this court issued your Letters, a verified Inventory of all property belonging to the decedent on the date of death along with values as of that date.

PAY VALID CLAIMS AND KEEP RECORDS OF ALL DISBURSEMENTS

10. Personally notify decedent's creditors whom you can reasonably ascertain. Others are notified by publication in the newspaper. Generally, creditors have five (5) months after the date of first publication to submit their claims.
11. Pay legal debts and funeral bills and keep notations indicating the reason for each payment
- a. If there is a question of solvency of the estate, pay only priority claims timely filed.
 - b. Do not pay bills which are doubtful, but refer them for court determination.
12. Prepare and file appropriate state and federal income, estate and inheritance tax forms in a timely manner. Pay taxes due or claim applicable refunds.
13. Pay court costs when due. Administration fees (attorney's fees and fees for you as personal representative) are a matter of contract between you and the interested persons of the estate and the attorney.
14. Keep records of all receipts and all paid bills and canceled checks or other evidence of disbursement of any funds or assets of the estate for the Closing Statement filed with the court.

DISTRIBUTE THE ASSETS OF THE ESTATE AND CLOSE THE ESTATE

15. Do not make any distribution to any heir or beneficiary until at least five (5) months after the date of the first publication of notice.
16. File a Closing Affidavit with the court within one (1) year from the date you received your letters from this court. The Federal Estate Tax Closing letter and the Indiana Inheritance Tax Closing letter (or countersigned receipt) or photocopy, showing payment of all Federal Estate and/or Indiana Inheritance Tax liability in the Estate shall be attached to the Closing Affidavit.
17. Send a copy of the Closing Affidavit to all distributees of the estate and to all creditors or other claimants whose claims are neither paid nor barred. Furnish a full written account of the administration to the distributees. You cannot be discharged unless a minimum of three months have passed from the time of filing of the Closing Affidavit and no objections have been filed.

JUDGE _____

HAMILTON SUPERIOR COURT NO. _____

I acknowledge receipt of a copy of the above instructions and have read and will follow these instructions carefully.

Cause Number: _____

Estate of: _____

Dated: _____

Signature of Personal Representative

Printed Name

INSTRUCTIONS TO GUARDIANS

LR29-PR00-702.80

FORM PR00-3

Read carefully; date and sign one copy and return it to the court within ten (10) days. Keep a copy for your reference.

You have been appointed guardian of an individual who, because of age or some incapacity, is unable to care for his or her own financial and/or personal affairs. It is important that you understand the significance of this appointment and your responsibility as guardian.

Upon being appointed guardian, you are required to post a bond in the amount set by the court and to take an oath to faithfully discharge your duties as guardian. The bond assures the court that you will properly protect the assets of the protected person.

Listed below are SOME of your duties. These apply whether or not the protected person is your relative. Ask the attorney for the guardianship to fully explain to you each of the items below and to inform you about other duties you have in your particular circumstances. Although the attorney will file all the papers with the court, the ultimate responsibility to see that all reports and papers are accurately prepared and filed rests with you.

As guardian, you are required:

1. To file with the court, within Ninety (90) days after your appointment, a verified inventory of all property belonging to the protected person.
2. To file with the court, within thirty (30) days of the first anniversary of your appointment and, thereafter, every two (2) years, a verified account. This details all property and income received by and all expenses paid from the guardianship.
 - a. Vouchers or receipts should be attached in order to verify each expenditure.
 - b. The present residence and general welfare of the protected person must be stated.
 - c. A report from the treating physician is required if the incapacitated person is an adult.
 - d. To pay bond premiums and court costs as they become due.
 - e. To file federal and state tax returns and to pay taxes for the protected person.
 - f. To open an account, in your name as guardian, in which all of the cash assets of the protected person are deposited. This account shall be used for all

payments and disbursements on behalf of the guardianship and the protected person. Canceled checks and other written proof should be maintained.

- g. To obtain approval from the court to use guardianship assets.
- h. To file a final accounting upon termination of the guardianship. This should detail all property and income received and all expenses paid, with receipts to verify each expenditure.

A guardian is obliged to encourage self-reliability and independence of the protected person and to consider recommendations relating to the appropriate standard of support.

You must protect and preserve the protected person's property and conserve any property of the protected person in excess of the protected person's needs. Accurate accounts must be kept and guardianship funds should **never** be combined with personal funds.

You may **not** make expenditure of investments from guardianship funds without court approval. Unauthorized use of guardianship assets may result in personal liability and/or criminal prosecution.

If any questions arise during the guardianship, you should consult with your attorney.

JUDGE _____
HAMILTON SUPERIOR COURT NO. ____

I acknowledge receipt of a copy of the above instructions and have read and will follow said instructions carefully.

Cause Number: _____ Guardianship of: _____

Date: _____

Signature of Guardian

Printed Name of Guardian

GUARDIANS:
A GUIDE TO PERFORMING YOUR FIDUCIARY DUTIES
LR-29-PR00-702.80
FORM PR00-4

I. INTRODUCTION

You have just taken an oath to faithfully discharge your duties as a guardian. This oath was intended to impress upon you that you have been placed in a position of the utmost trust and responsibility.

Most guardians are given the power and duty to handle an incompetent person's financial affairs. Occasionally, however, the court appoints a guardian when the incapacitated adult or minor has no assets or the powers granted the guardian do not encompass the property of the incapacitated person. If your appointment does not include control of any financial affairs, then your duties are limited to the specific purpose for which the guardianship was established.

Most of the remainder of this guide pertains to guardians who are appointed for the purpose of managing the property of a protected person. The specifics of your duties to handle the protected person's property will be discussed shortly, but you'll go a long way toward success by simply remembering that the property you will be handling is not your own. You must handle the property of the protected person as you would have the protected person handle your property.

II. SPECIFIC DUTIES

The person over whom you have been appointed guardian is under some disability which prevents him from competently handling his financial affairs. Your job is to handle this aspect of life for him. There's really nothing mysterious about what you'll be doing. Just as you personally have an income, pay bills, buy clothing and pay taxes, the protected person will in all likelihood have an income, owe bills, need clothing and be required to pay taxes. The only difference between the two of you is that you can handle these tasks on your own, while the protected person requires your assistance to accomplish them.

Indiana Law specifically details the duties of the guardian. We now turn to an examination of that law.

A. BOND

In order to protect the protected person, every guardian must post a sufficient bond with the court before undertaking his duties. The amount of the bond is fixed at an amount equal to all of the protected person's personal property, plus the annual rental value of any real estate. While there is no exception to the bond requirement, there may be an alternative. If the protected person owns assets

above and beyond those necessary to provide for his needs, you may petition the court for permission to place the excess funds in a restricted account. Typically a restricted account is a Certificate of Deposit with the following words typed on the face of the document: "not to be cashed without order of Hamilton Superior Court No. ____". If the guardianship is over a minor, the following words may be added: "or upon protected person reaching the age of 18". Provided there exist no other reasons for requiring bond, the restricted funds will then be exempt from the bond requirement.

Finally, you may be wondering why the court may have required only a minimal bond upon your appointment. The reason is simple -- neither the court nor you are yet fully aware of the extent of the protected person's assets. Upon your filing of an inventory, the bond will be adjusted accordingly.

B. INVENTORY

Indiana Law requires that every guardian of another person's property file an inventory of that property within ninety (90) day of the date of his appointment. The inventory serves an important purpose: it appraises both you and the court of the extent of the protected person's property.

The inventory which you file must contain every item of the protected person's property which shall come to your possession or knowledge. The property must be classified as to its type (e.g., stocks, bank accounts, real estate) and, if encumbered by a mortgage or other lien, this fact must also be noted.

The fair market value of each item of the protected person's property must be indicated in the inventory. Many items, such as bank accounts, will pose no valuation problems. However, where there is reasonable doubt as to the value of property, the law permits the employment of a disinterested appraiser to assist in the valuation process. If an appraiser is employed, his name and address must be indicated on the inventory.

C. TAKING POSSESSION OF THE PROTECTED PERSON'S PROPERTY

Your letters of guardianship represent your authority to act for the protected person. By representing these to persons or institutions who may be holding the protected person's property, you will be permitted to take that property into your possession.

The phrase "take possession" should not be construed literally. It is not intended that you run out and gather everything the protected person owns so that you can store it in your basement. Rather, you need to contact the persons or institutions holding your protected person's property, either show them or provide them with your copies of your letters, and arrange for the funds or property to be held in the protected person's name with your name listed as guardian. So that no one except you can draw on said funds, do not surrender the original copy of your letters of guardianship -- certified copies of your letters may be obtained from the Hamilton County Clerk's Office.

D. PAYING THE PROTECTED PERSON'S BILLS AND EXPENSES

Your primary purpose as guardian of an adult incompetent's estate is to manage his financial affairs. As part of your management responsibility you will be required to pay all valid bills, expenses and claims of the protected person while constantly bearing in mind your duty to preserve the assets of your ward.

In order to pay these bills, a checking account must be opened. This account will be in your name as guardian. The fact that it is a guardianship account must be clearly stated on the face of each check. Also, it is important that the account be opened at an institution which returns the canceled checks each month. The bills and expenses which a particular protected person incurs will vary according to the circumstances. If your protected person lives in his own home, there will be utility and other bills associated with home ownership. On the other hand, if the protected person resides in a nursing home, these bills may be eliminated by and included in a single monthly payment.

In addition to the ordinary and necessary expenses of your protected person, extraordinary claims may have to be paid on occasion. For example, a hospital might present you with a bill for services which it claims to have provided the protected person prior to your appointment as guardian or an individual might approach you and claim that the protected person owes him money on a contract.

The question which you should ask when presented with any bill, expense or claim on your protected person's property is whether the obligation is valid. Your resolution of this inquiry is critical for, if you negligently honor an invalid claim, the court may hold you personally liable for the amount of the protected person's funds expended.

You may also find it necessary or desirable to provide your protected person with a periodic allowance. Once again, since you have a duty to preserve the assets of the protected person, you must take care that the purpose for which the allowance is desired is a valid one.

In either case, whether you are paying bills or are desirous of providing a periodic allowance, you should consult with your attorney. If there is any question as to the legitimacy or necessity of a bill or claim, authority should be obtained from the court before making payment.

These responsibilities as they relate to a minor are different from those of an adult. A minor's guardian has all the responsibility and authority of a parent and, therefore, is personally responsible for the financial support of the minor. As a general rule, the guardian may not spend the minor's funds, but, instead, must preserve them. Only upon a showing to the court that the parents' income is insufficient to provide for the minor's support will the court approve the expenditure of the minor's funds.

E. THE CURRENT REPORT

The law requires that you file a written report of your activities as guardian within thirty (30) days of the first anniversary of your appointment. Thereafter, such reports are due every two years. You fulfill this duty by filing a current report and accounting. If all of a minor's assets are in a restricted account, the court may waive this accounting requirement.

The current report should contain all information pertinent to the protected person's condition, including his or her present residence and general welfare. If the protected person is an adult, a report of the treating physician verifying the incapacitated state of the person and propriety of the living arrangements must be included with the current report.

Regarding the accounting, the current report must include three schedules. The first will show the total amount of the protected person's property included in the inventory and any additional assets received to the date of the accounting. The second schedule must list all expenditures which were made on behalf of the protected person and, if such amounts are approved by the court, they will be credited against the amount of property for which you are chargeable. Finally, the third schedule will be a recapitulation, and it will show the balance on hand after subtracting the credits you are claiming from the total amount of property which has come into your hands. The balance on hand should list what assets you still hold. In order to verify your expenditures made on behalf of the protected person, you are required to attach canceled checks or vouchers to the current report.

By now you should have realized that accurate record keeping is essential to the preparation of an acceptable current account. Remember that YOU are responsible for the protected person's property and that you are held personally liable for the expenditures of any amount which cannot be substantiated by canceled check or prior court approval.

F. THE FINAL REPORT

A written Final Report is required in all guardianships. Most guardianships are established because of the protected person's age: he is either too young (under eighteen) and, therefore, legally disqualified from handling his own financial affairs or old age has in some way deprived him of the ability to handle this aspect of his life. Therefore, most guardianships terminate either upon the protected person's reaching majority or upon death.

When it is time to terminate the guardianship, you will need to file a final report. The report must indicate the reason for terminating the guardianship and must detail the disposition which you propose to make of the protected person's assets.

If the protected person is living, a hearing will be set to review the Final Report. A copy of the report must be furnished to the protected person and the protected person can file written objections before the hearing date. The court will examine the report to assure that your proposed disposition of the protected person's property is acceptable. The final account will be examined to assure that

the expenditures which you made since the last accounting are permissible. Assuming the court approves, you will then be discharged from your duties and the guardianship will be closed.

III. CONCLUSION

As guardian, you may be faced with difficult decisions as to how you should be handling the affairs of your protected person. You should realize that you need not make these decisions alone. If there is an expenditure which you desire to make or a sale of any of the protected person's personal or real property, you should consult with your attorney who will petition the court for its approval. If the court agrees with your proposal, it will enter an order to proceed. If the court disagrees, then an expenditure or sale for which you might have been held personally liable will have been avoided.

You are encouraged to contact your attorney to assist you with your duties. Since Indiana Law and Hamilton County Court policy forbids employees (including judges and court personnel) from practicing law, an attorney will be your sole source for counseling on legal matters.

Finally, don't be overwhelmed by your duties. Remember that the property you'll be handling is not yours, and if you handle the protected person's affairs as you would have him handle yours, then you should not have any problems.

JUDGE _____
HAMILTON SUPERIOR COURT NO. ____

I acknowledge receipt of a copy of the above instructions and have read and will follow these instructions carefully.

Cause Number: _____ Guardianship of: _____

Date: _____
Signature of Guardian

CERTIFICATION
BY FINANCIAL OR INVESTMENT INSTITUTION
LR29-PR00-705.20, LR29-PR00-710.20, LR29-PR00-716.50
FORM PR00-5

IN THE HAMILTON _____ COURT NO. _____
CAUSE NO. _____

CERTIFICATION BY FINANCIAL OR INVESTMENT INSTITUTION

TO: _____
FROM: _____
(Guardian/Personal Representative's Name)

RE: Guardianship of/Estate of _____

In order to comply with the rules of the Probate Court, I am required to file a Certification of Account or Investment Balances. Please certify the balances and names on the accounts or investments I have listed below.

Dated: _____
(Guardian/Personal Representative)

For Bank or Investment Institution Use Only:

I certify that on the _____ day of _____, 20 ____, the last day of the period covered by this accounting, there was on deposit in this institution an account or there exists an investment to the credit of the guardian/personal representative, showing the following balance:

Name on Account/Investment	Account/Investment Number	Balance	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

This account(s)/investment (s) contains the following restriction: **NO PRINCIPAL OR INTEREST SHALL BE WITHDRAWN WITHOUT WRITTEN ORDER OF _____ OF HAMILTON COUNTY, INDIANA.**
(Yes _____ or No _____) Please check ONE.

Name and Address of Institution: _____

Signature of Certifying Officer: _____
Printed: _____
Title: _____
Date: _____

CLERK'S CERTIFICATE AS TO
COSTS/CLAIMS
LR29-PR00-710.70, LR29-PR00-712.30
FORM PR00-6

STATE OF INDIANA) IN THE HAMILTON _____ COURT NO. _____
) SS:
COUNTY OF HAMILTON) CAUSE NO. _____

IN THE MATTER OF
THE ESTATE OF

CLERK'S CERTIFICATE AS TO COSTS/CLAIMS

This is to certify that all costs have been paid in this proceeding through _____
_____.

In addition, all claims filed in this proceeding have been satisfied and shown released.

Yes/No

(If no, list the claims that remain pending: _____

Date: _____

Clerk of Hamilton County

MAXIMUM FEE GUIDELINES
FOR
SUPERVISED ESTATES
LR29-PR00-711.60
FORM PR00-7

PREAMBLE

Purpose of the Fee Schedule

The Probate Committee of the Indiana Judicial Conference has prepared Guidelines for Estate Fees in an effort to achieve the following objectives:

1. Establish uniformity throughout the State in determining a fair and reasonable fee for supervised estates;
2. Provide a guideline to assist the court in determining fair and reasonable fees;
3. Furnish a guideline to attorneys so they can discuss fees that may be reasonably incurred with their clients at the onset of administration; and
4. Assist the legal profession to arrive at a fair and reasonable fee for estate work.

The schedule is NOT a minimum fee schedule, but a maximum fee schedule. Every attorney and personal representative has an obligation to request a fee which is fair and reasonable for the work performed, taking into account the provisions of the Rules of Professional Conduct applicable to attorneys admitted to practice law in the State of Indiana. However, any request for fees should not exceed the guidelines set out in the schedule. In an uncomplicated estate, fees should be less than the maximum fees listed in this schedule, and fees should always bear a reasonable relationship to the services rendered.

PRINCIPLES APPLICABLE TO FEE DETERMINATIONS

Although fee guidelines have been promulgated by the court for probate matters, it is important that your attention be directed to certain criteria as they pertain to these guidelines.

The existence of the guidelines does not assure that all fees allowed by the court will adhere to them. Other factors must be considered by the attorney and his, or her, client. The same factors will also be considered by the court in making its final determination.

The criteria to be considered includes the following:

A. The time and labor required, the novelty, complexity, or difficulty of the questions involved, the skill required to perform the services properly, and shall include a determination as to how much of the attorney's time was devoted to legal matters and how much of it was devoted to ministerial functions;

B. The nature and extent of the responsibilities assumed by the attorney and the results obtained, and shall include the considerations of the identity of the personal representative and the character of the probate and non-probate transferred assets;

C. The sufficiency of assets properly available to pay for legal services, and shall consider whether the attorney's duties are expanded by the existence of non-probate assets because of their inclusion for tax purposes, both federal and state;

D. The timeliness with which the necessary services are performed consistent with statutory requirements, the Court's Rules of Procedure and the Rules of Professional Conduct applicable thereto.

In considering all of these factors, attorneys are urged to discuss their fee and that of the personal representative at the time they are retained in all probate matters.

ATTORNEY FEES

I. ADMINISTRATION:

Gross estate services are considered to normally include: Opening of the estate, qualifying the personal representative, preparing and filing the Inventory, paying claims, collecting assets, preparing and filing non-extraordinary petitions, preparing and filing the Inheritance Tax Schedule, obtaining the court order thereon and paying the taxes, preparing and filing the Final Report, obtaining order approving same, distributing assets, obtaining discharge of the personal representative, and preparing and serving all notices on interested parties and readily ascertainable creditors throughout the proceedings. This list shall not be considered to be exclusive.

A. Gross estate:

Up to \$100,000, not to exceed. 6%

Next \$200,000, not to exceed 4%

Next \$700,000, not to exceed 3%

Over \$1,000,000, not to exceed 1%

B. Miscellaneous - extraordinary services:

Sale of real estate \$500.00

Federal Estate Tax Return:

Basic Fee \$600.00

Assets exceeding those indicated in
Inheritance Tax Schedule 1%

Inheritance Tax Schedule

Cash, stock, bonds, other intangibles

- non-probate assets 1%

Other assets - non-probate assets 1.5%

Petition - ex parte \$175.00

Other than as provided above Court-approved
hourly rate

(Attorney's expertise in probate matters will be considered by the court in determining the applicable hourly rate.)

II. MISCELLANEOUS:

Probate Will only \$175.00

Small estate settlement procedure \$300.00

Inheritance Tax Schedule (see above)

Federal Estate Tax Return (see above)

III. WRONGFUL DEATH ADMINISTRATION:

Fees not to exceed:

Settlement prior to filing 25%

Settlement after filing and prior to trial . . . 33 1/3%

Trial. 40%

Appeal, or extra work. 50%

IV. GENERAL:

A. Extraordinary Fee Requests.

Fee petitions requesting extraordinary fees must set forth services rendered with specificity. Extraordinary services may include: Sale of personal property, sale of real property, partial distribution, will contest actions, contesting claims, adjusting tax matters, contested hearings, petitions for instructions, heirship determinations, generating additional income for the estate, etc. All such petitions will be set for hearing, with notice to all interested parties. If all interested parties sign a waiver and consent stating that they have been advised the additional fee request exceeds the court's guidelines and the services as detailed are extraordinary, the court may, in its discretion, determine if a hearing is required. An acceptable form of waiver is attached.

B. Filing of Fee Petition.

Before any fee is paid a petition for allowance of such fee shall be filed and determined by the court. A request for fees will be considered only under the following circumstances:

1. When the inheritance tax petition is ready to be filed; or
2. When a petition to find no tax due has been approved; or
3. When necessary for purposes of an estate fiduciary income tax deduction; or
4. Under extraordinary circumstances.

V. UNSUPERVISED ESTATES:

The court will not determine and allow fees in an unsupervised estate.

PERSONAL REPRESENTATIVE FEES

I. PROFESSIONAL:

Their applicable reasonable rate shall be reviewed in light of all prevailing circumstances.

II. NON-PROFESSIONAL:

An amount not in excess of one-half (1/2) of the attorney's fees.

III. ATTORNEY:

When the attorney also serves as the personal representative, an additional amount not in excess of one-third (1/3) of the attorney fee may be allowed, provided:

- A. Additional services have been performed which are normally done by the personal representative; and
- B. Assets of the estate warrant the allowance of additional fees.

LIMITATION ON FEES

In all instances, the combined total of the fees allowed to the personal representative and attorney for the administration of an estate shall not exceed ten percent (10%) of the decedent's gross estate.

**WAIVER AND CONSENT TO ALLOWANCE
OF FEES IN EXCESS OF GUIDELINES**

When an attorney reasonably believes that extraordinary circumstances exist and request fees that exceed the guidelines, it is suggested that all affected parties either sign a waiver and consent, or the fees be determined only after notice to the affected parties and hearing on the petition. The waiver and consent should not be merely a pro forma waiver and consent, but should be in substantially the following form:

IMPORTANT: PLEASE READ BEFORE SIGNING!

WAIVER AND CONSENT

The undersigned, an interested party in the Estate of _____,
understands that:

A. The maximum fee ordinarily allowed by the court for legal
services in this estate would amount to \$_____;

B. The attorney has requested fees in the amount of
\$_____, alleging that extraordinary and unusual services have been
performed.

The undersigned, being fully advised, now consents to the allowance of the
requested fee, waives any notice of hearing on the Petition and requests that
the court allow fees in the amount of \$_____.

Dated: _____
Devisee/Heir

INSTRUCTIONS TO GUARDIAN AD LITEM
LR29-PR00-714.10, LR29-PR00-716.20
FORM PR00-8

A **guardian ad litem** is a special guardian appointed by the court to represent the interests of a minor or incapacitated person in a court action. Your duty to represent an incapacitated person at a petition for guardianship hearing, at a minimum, include all of the following:

1. Visit the person alleged to be legally incapacitated;
2. Explain to the person the nature, purpose, and legal consequences of appointment of a guardian;
3. Explain to the person the hearing procedure and the person's rights in the hearing procedure, including but not limited to:
 - A. The right to contest the Petition;
 - B. The right to request limits on the guardian's powers;
 - C. The name of the individual seeking to be appointed guardian;
 - D. The right to object to the appointment of a particular person or institution being appointed guardian;
 - E. The right to be present at the hearing;
 - F. The right to be represented by legal counsel.
4. Contact the person's doctor for purposes of obtaining information regarding the physical and/or mental condition of the person.
5. Make determinations and inform the court of those determinations on all of the following:
 - A. Whether the person alleged to be legally incapacitated wishes to be present at the hearing;
 - B. Whether the person alleged to be legally incapacitated wishes to contest the Petition;
 - C. Whether the person alleged to be legally incapacitated wishes limits to be placed on the guardian's powers;
 - D. Whether the person alleged to be legally incapacitated objects to a particular person being appointed guardian;
 - E. Whether it is in the best interests of the person alleged to be legally incapacitated that a guardian be appointed;
 - F. Whether it is in the best interests of the person alleged to be legally incapacitated that the individual seeking to be appointed guardian actually be appointed as guardian;
 - G. Whether it is in the best interests of the person alleged to be legally incapacitated that limits be placed on the guardian's powers.

JUDGE _____
HAMILTON SUPERIOR COURT NO. ____

I acknowledge receipt of a copy of the above instructions and will read and follow these instructions carefully.

Cause Number: _____

Guardianship of: _____

Dated: _____

Signature of Guardian Ad Litem

Print Name of Guardian Ad Litem

GUARDIAN AD LITEM REPORT

INCAPACITATED PERSON

LR29-PR00- 714.10

FORM PR00-9

STATE OF INDIANA) IN THE HAMILTON SUPERIOR COURT NO. _____
) ss:
COUNTY OF HAMILTON) CAUSE NO. _____

IN THE MATTER OF THE
GUARDIANSHIP OF

Incapacitated person.

GUARDIAN AD LITEM REPORT

_____ submits the following report on _____
_____, a proposed protected person, based on an assessment of the respondent
on the ____ day of _____, 20____, at _____.

1. Describe the nature and type of the respondent's disability: _____

2. Describe the respondent's mental and physical condition; and, when it is appropriate,
describe educational condition, adaptive behavior and social skills: _____

3. State whether, in your opinion, the respondent is either totally incapable, or is partially
capable, of making personal and financial decisions; and, if partially capable, state the kinds of
decisions which the respondent can and cannot make. Include the reasons for this
opinion: _____

4. Describe the respondent's feelings about the proposed guardianship as well as the
respondent's relationship with the potential guardian: _____

5. Describe the respondent's assets and estimate the value thereof: _____

6. In your opinion, is guardianship necessary for the respondent at this point in time? Include the reason for this opinion: _____

7. What, in your opinion, is the most appropriate living arrangement for the respondent; and, if applicable, describe the most appropriate treatment or habilitation plan. Include the reasons for your opinion: _____

Date: _____

Signed: _____

Printed: _____

Address _____

City _____ State: _____

Telephone: _____

STATE OF INDIANA) IN THE HAMILTON _____ COURT _____
) SS:
COUNTY OF HAMILTON) CAUSE NO. _____

_____, a physician licensed to practice medicine in all its branches in the State of Indiana, submits the following report on _____, an alleged incapacitated person, based on an examination of said person on the _____ day of _____, 20 ____.

-

-
-
-

-
-
-

-
-
-
-

-

I affirm, under the penalties for perjury, that the foregoing representations are true.

Signature: _____

Printed: _____

Address: _____

City/State/Zip: _____

Telephone: _____

This report must be signed by a physician. If the description of the incapacitated person's mental, physical and educational condition, adaptive behavior or social skills is based on evaluations by other professionals, all professionals preparing evaluations must sign the report. Evaluations upon which the report is based must have been performed within three (3) months of the date of the filing of the petition.

Names and signatures of other persons who performed evaluation upon which this report is based:

Name: _____

Address: _____

Signature: _____

Name: _____

Address: _____

Signature: _____

BIENNIAL REPORT OF GUARDIAN MINOR
(NO ASSETS)
LR29-PR00-714.50 - NO ASSETS
FORM PR00-11

STATE OF INDIANA) IN THE HAMILTON SUPERIOR COURT NO. ____
) SS:
COUNTY OF HAMILTON) CAUSE NO. _____

IN THE MATTER OF THE
GUARDIANSHIP OF:

Minor (No Assets)

BIENNIAL REPORT OF GUARDIAN

____ Comes now _____, guardian of the minor, and after being first duly sworn upon (his)(her) oath, states as follows:

1. Petitioner was appointed as guardian of _____ on the ____ day of _____, 20____. The minor was _____ years of age at the time of the guardian's appointment. Petitioner/guardian resides at _____, _____, Indiana.

2. _____ is presently enrolled at _____ School in _____, Indiana, and attends _____ classes and is in the _____ grade.

3. The minor resides with the guardian on a full-time basis at _____, _____, Indiana.

4. At the time the guardianship was established, _____ had no assets or income and continues to have no assets or income administered by the guardian. The minor has acquired no assets or income since the guardianship was established.

5. _____

_____.

WHEREFORE, _____, the guardian herein, hereby requests that the court approve this report and order any additional just and proper relief in the premises.

Guardian of Minor

I affirm, under the penalties of perjury, that the foregoing representations are true.

ORDER APPROVING BIENNIAL REPORT
LR29-PR00-714.50, LR29-PR00-716.80
FORM PR00-12

STATE OF INDIANA) IN THE HAMILTON SUPERIOR COURT NO. ____
)SS:
COUNTY OF HAMILTON) CAUSE NO. _____

IN THE MATTER OF THE
GUARDIANSHIP OF:

_____.

ORDER APPROVING BIENNIAL REPORT

COMES NOW the guardian, _____, and files
Biennial Report of Guardian in the words and figures following, to wit:
(H.I.)

The court, being duly advised in the premises, NOW FINDS that same should be approved.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the court that the Biennial
Report of the Guardian is hereby approved.

SO ORDERED this _____ day of _____, 20_____.

JUDGE, HAMILTON SUPERIOR COURT NO. ____

Distribution:

1 RJO
1 Court File
1 Counsel of Record
1 Guardian

GUARDIAN AD LITEM REPORT

A MINOR

LR29-PR00-716.20

FORM PR00-13

STATE OF INDIANA) IN THE HAMILTON SUPERIOR COURT NO. ____
) SS:
COUNTY OF HAMILTON) CAUSE NO. _____

IN THE MATTER OF THE
GUARDIANSHIP OF

A minor.

GUARDIAN AD LITEM REPORT

_____ submits the following report on _____, minor
child, based on an assessment of the child on the ____ day of _____, 20__, at
_____.

1. Describe the nature of the child's current situation. Are the parents able to care for the child? Describe the parents' present situation and their home. Do they consent to the guardianship? _____

_____.

2. Describe the mental and physical condition of the child. If the child is school age, describe the educational adjustment and describe any behavior problems observed in this setting: _____

_____.

3. Describe the mental and physical condition of the parents and how it relates to their care of child: _____

_____.

4. Is this child old enough to make reasonable and responsible decisions for self? _____

_____.

5. Describe the relationship between child and proposed guardians. State in specific terms the positive as well as the negative aspects of the relationship: _____

_____.

_____.

6. Describe the child's assets and estimate the value _____

7. In your opinion, is a guardianship necessary for the child at this time? Give specific reasons for this opinion: _____

8. Give your opinion as to the most appropriate living arrangement for the child. Give specific reasons for your opinion: _____

9. Should visitation by the natural parents be allowed? What restrictions, if any, should be placed on visitation? If child support is not currently ordered, should it be? _____

_____.

10. Additional comments: _____

Date: _____ Signed: _____

Printed: _____

Address _____

City _____ State _____

Telephone: _____

REPORT FOR RELEASE OF FUNDS

LR29-PR00-716.50

FORM PR00-14

STATE OF INDIANA) IN THE HAMILTON _____ COURT NO. _____
) SS:
COUNTY OF HAMILTON) CAUSE NO. _____

IN THE MATTER OF THE
GUARDIANSHIP OF

A Minor.

REQUEST FOR RELEASE OF FUNDS

Comes now the guardian of the minor and requests a release of the minor's funds as follows:

1. Minor who is the owner of the funds:
 - A. Name _____
 - B. Address _____
 - C. Date of birth _____

2. Person requesting release of funds:
 - A. Name _____
 - B. Address _____
 - C. Relationship to minor _____

3. Description of Account:
 - A. Bank or other financial institution where funds are on deposit

 - B. Present balance in account _____
 - C. Account number _____

4. Amount of withdrawal requested _____

5. Purpose of withdrawal _____

6. State why parent is unable to provide funds _____

7. Date of last withdrawal _____

I AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FOREGOING
REPRESENTATIONS ARE TRUE.

Date

Guardian's Signature

ATTORNEY'S UNDERTAKING AND OBLIGATION

LR29-PR00-716.50 (a)

FORM PR00-15

STATE OF INDIANA) IN THE HAMILTON _____ COURT _____
) SS:
COUNTY OF HAMILTON) CAUSE NO. _____

IN THE MATTER OF THE
GUARDIANSHIP/ESTATE OF

ATTORNEY'S UNDERTAKING AND OBLIGATION

___I, the undersigned guardian or personal representative , having been appointed by the Hamilton _____ Court _____, on this date, hereby authorize my attorney, _____, to deposit all of the net guardianship/estate assets, in the amount of \$ _____, in an account or in a court approved investment with my name as guardian/personal representative with the restriction that withdrawal of principal or interest may be made ONLY on written order of Hamilton _____ Court ____.

Date: _____

Guardian/Personal Representative Of:

I, the undersigned, as an officer of this court and as attorney for the above guardian/ Personal Representative, hereby assume and undertake personal responsibility to the above named protected person or the estate and to the Hamilton _____ Court _____, to make the restricted deposit above designated and to deliver copies of the SIGNATURE CARD and/or PASSBOOK and/or such other account or investment documents evidencing such restricted deposit, and the amount thereof, to the court within ten (10) working days from this date or to refund all of said funds to the court forthwith upon demand.

Date: _____

Attorney for Guardian/Estate

Address: _____

Phone: _____

BIENNIAL REPORT OF GUARDIAN
MINOR RESTRICTED
LR29-PR00-716.80
FORM PR00-16

STATE OF INDIANA) IN THE HAMILTON SUPERIOR COURT NO. ____
) SS:
COUNTY OF HAMILTON) CAUSE NO. _____

IN THE MATTER OF THE
GUARDIANSHIP OF:

A minor (Restricted Account)

BIENNIAL REPORT OF GUARDIAN

Comes now _____, guardian of the minor, and after first being duly sworn upon (his) (her) oath, states as follows:

1. Petitioner was appointed as guardian of _____ on the ____ day of _____, 20____. The minor was ____ years of age at the time of the guardian's appointment. Petitioner/guardian resides at _____, _____, Indiana.

2. _____ is presently enrolled at _____ School in _____, Indiana, and attends _____ classes and is in the _____ grade.

3. The minor resides with the guardian on a full-time basis at _____, _____, Indiana.

4. At the time the guardianship was established, _____ was the recipient of funds which were placed in a restricted account. The amount of funds received by the minor and placed in the restricted account was \$ _____. The financial institution where the restricted account is held is _____ (financial institution), _____, Indiana and the value of the minor's funds at this time is \$ _____. Attached is a copy of the most recent account statement.

5. As guardian, I understand that the minor's funds cannot be withdrawn or spent without this court's prior written approval.

6. _____

_____.

WHEREFORE, _____, the guardian herein, hereby requests that the court approve this report and order any additional just and proper relief in the premises.

Guardian of Minor

I affirm, under the penalties of perjury, that the foregoing representations are true.

Guardian of Minor

Prepare for your day in Small Claims Court

Hamilton County Small Claims Litigant's Booklet

For the Small Claims Divisions of

Hamilton Superior Court No. 4
J. Richard Campbell, Judge

Hamilton Superior Court No. 5
Wayne A. Sturtevant, Judge

To the Reader,

Small Claims Court is designed to provide quick and easy access to the courts for persons with legal grievances when their claims for damages do not exceed \$6,000. We realize that the parties in a small claims case care very much about the outcome, and we are dedicated to providing the parties a fair and impartial trial.

In Hamilton County, both Superior Court 4 and Superior Court 5 maintain dockets to handle small claims cases. In Small Claims Court, relaxed rules of procedure and evidence are permitted so that the parties may proceed without the expense of hiring an attorney (although a party may wish to consult with or retain an attorney). The purpose of the trial is to present all of the relevant facts to the judge so that the appropriate law can be applied in making a just decision. As judges, we must base our decision on the evidence introduced at trial. Thus, it is important that both litigants (the plaintiff and defendant) understand what is involved at trial and be thoroughly prepared. This litigant's booklet is provided to you to help in that preparation. A more detailed manual is also available for you to review at the Court offices.

It is not appropriate for us to discuss a pending case with either side prior to trial or out of court after trial if our decision was taken under advisement. We are sure you can understand that it is essential for us to preserve our impartiality.

We urge you to read this booklet thoroughly before your day in court.

Sincerely,

J. Richard Campbell, Judge
Hamilton Superior Court No. 4

Wayne A. Sturtevant, Judge
Hamilton Superior Court No. 5

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Before You File Your Claim

The Small Claims Court is not permitted to locate the Defendant for you, to prepare your case for you, or to make the Defendant pay you if the Defendant has no money and no job. You should first ask yourself:

1. Does the Defendant have the money to pay you?
2. Will the Defendant voluntarily pay you if you win?
3. Are you willing to spend additional time and effort to force the Defendant to pay the judgment and your filing fee?

If your answer to one of the above questions is “no,” you may not want to proceed with your claim. If you choose to proceed, however, you need to determine the following before preparing the necessary forms:

4. Does the Small Claims Court have **Jurisdiction (Authority)** to hear your case? (See **Jurisdiction**)
5. Is Hamilton County the proper **Venue (Location)** for filing your claim? (See **Venue**)
6. Is the **Statute of Limitations (Time Limit)** for your claim still running? (See **Statute of Limitations**)
7. Who are the **Parties** to your case? (See **Parties**)

If your answer to question 4, 5 or 6 is “no,” you may not file your small claims case in this county. If you do not know the answer to question 7, then you are not ready to file your small claims case.

The Clerk and the Court staff may not give you legal advice, but they will try to answer your questions **after** you have read this booklet.

Jurisdiction (Authority) of the Small Claims Court

The Small Claims Court has the authority to hear all cases where the amount of money or the value of the property sought to be recovered is \$6,000 or less. If you are a Plaintiff and have a claim against a Defendant for more than \$6,000, you may give up the amount over \$6,000 to bring you within the jurisdiction of the Small Claims Court. If you give up this amount of your claim, you may not sue for it later.

The Small Claims Court also has authority to hear all actions between a landlord and tenant for possession of the premises if the amount of the rent sued for does not exceed \$6,000. A contract to buy real estate by installment payments is not a landlord/tenant relationship and a Small Claims Court generally cannot award possession because the value of the property is usually over \$6,000.

Venue (Location) for Filing Your Claim

Small claims rules provide that the proper county for filing a small claims case is:

1. Where the transaction or occurrence actually took place; or
2. Where the obligation or debt was incurred; or
3. Where the obligation was to be performed; or
4. Where the Defendant currently lives; or

5. Where the Defendant has his or her place of employment at the time the case is filed.

Hamilton County must meet **one** of the above requirements in order to be the proper county for **venue**. If there are several counties that qualify under the above requirements, then you as the Plaintiff may file your case in the qualifying county of your choice.

Statute of Limitations (Time Limit)

Before filing your case, be sure that the time limit for doing so has not expired (**statute of limitations**). You cannot file your case after the statute of limitations has expired. The time limit begins for a contract case when the contract is breached (broken) and for a personal injury or property damage case when the injury or damage occurs. Listed below are the most common statutes of limitations for different kinds of cases:

- 2 years - personal injury; damage to personal property.
- 4 years - contract for the sale of goods (whether written or oral).
- 6 years - accounts; oral contracts other than the sale of goods; rent and landlord-tenant disputes; damage to real estate; promissory notes and written contracts for the payment of money.
- 10 years - written contracts other than for the payment of money.

If you are not sure whether the statute of limitations has expired, you should consult with an attorney.

Parties to the Case

The **Plaintiff** or claimant is the person or business filing the case and asking the Court to help collect an obligation or to grant some other relief from another person or business. The Plaintiff must be the person or business to whom the money is owed.

The **Defendant** is the person or business being sued and defending against the claim of the Plaintiff. If more than one person is responsible, then all Defendants should be named in one case.

Under Indiana law, the Plaintiff may sue any corporation doing business in Indiana. If you intend to sue a corporation, you must name the corporation as Defendant, but must serve the registered agent or an officer of the corporation with the Notice of Claim. The Indiana Secretary of State, Corporations Division, State Office Building, 302 W. Washington Street, Indianapolis, Indiana 46204 (telephone 317-232-6576) will give you the name of a corporation's registered agent and officers. Generally, the registered agent or officers of a corporation are not personally liable for debts or actions of the corporation, and you should not normally name them as parties.

Filing a Small Claim

If you wish to file a small claims case against another person, you should go to the Clerk's office on the first floor of the Hamilton County Judicial Center (Suite 106) and do the following:

1. Complete a Notice of Claim form, briefly and clearly stating the nature and amount of your claim against the Defendant (you will have an opportunity to explain your claim more fully in Court). Notice of Claim forms must state the Defendant's correct name, address, and telephone number. Notice of Claim forms are available from Clerk's office at no charge;

2. If your case is based upon a written contract or account, provide to the Clerk a copy of the contract or account statement;
3. Pay the filing fee in cash, cashiers' check or money order. The fee is \$70.00 if you sue one Defendant, plus \$10.00 for each additional defendant. If you win your case, the Court will order the Defendant to repay the filing fee to you (although the Defendant may not be financially able to repay you). If you lose your case, you will lose your filing fee.

If you have questions about the filing procedure, the Clerk may be able to help you. If you need legal advice, you must consult an attorney as neither the Clerk's staff nor the Judge's staff may give legal advice.

At the time you file your small claims case, the Clerk will give you the time and date of the first hearing. You will **not** have to bring your witnesses and evidence on this first hearing date because the first hearing date (unless you are seeking an eviction) because the first hearing is used merely as a date to find out if the Defendant is going to dispute your claim (but both you and the Defendant **must** appear). If the Defendant does not show up for the first hearing after receiving proper notice from the Clerk, or if the Defendant does show up and you settle your claim, then no trial will be necessary. On the other hand, if the Defendant does dispute your claim, the Court will set your case for a later contested trial date.

Notice of the case must be served upon the named Defendant at least 10 days before the parties are to appear in Court. If the Notice of Claim was not served on the Defendant within this time, you must either dismiss the case or request a continuance of the hearing date in order to properly notify the Defendant. If you request such a continuance, you must request the Court prepare an **Alias Notice of Claim** (with the complaint attached) and provide a more current address for the Defendant who could not be located. If you dismiss your claim prior to trial, you will forfeit your filing fee, even if you later decide to re-file the same case. Any communication to the court about the case that is meant for the judge must be in writing and a copy must be sent to the opposing side. This is to avoid either side gaining an unfair advantage. The court can only hear the facts of the case at the scheduled hearing when both sides are present.

Filing a Counterclaim

If you are the Defendant being sued in Small Claims Court, and you believe that you have a claim against the Plaintiff, you may file a counterclaim against the Plaintiff.

You must file your counterclaim with the Clerk within such time as will allow the Clerk to mail a copy and be received by the Plaintiff at least 7 days prior to the actual trial. If the Plaintiff does not receive the copy of the counterclaim within that time, he or she may request a continuance of the trial date to allow for time to defend against your counterclaim or the court may go forward with the trial, strike your counterclaim, and require you to file it as a separate case.

The Court may only hear counterclaims of \$6,000 or less. You give up the amount of your counterclaim over \$6,000 if you bring a counterclaim in Small Claims Court. If you do this, you may not sue for it later.

If the Defendant files a counterclaim, the court will hear both Plaintiff's claim and Defendant's counterclaim at the same time.

Change of Address or Telephone Number

If you are a Plaintiff or Defendant to a Small Claims case, **it is your responsibility** to promptly notify the Court of any change to your address or telephone number. All notices from the Court will be sent to your last known address. Failure to update your address with the Court may result in a dismissal if you are the Plaintiff or in a default judgment if you are the Defendant.

Continuance

Either party may be granted one **continuance** (postponement) for good cause shown. Except in unusual circumstances, no party shall be allowed more than one continuance in any case, and all continuances must be approved by the Judge. Requests for continuance should be filed no later than 5 days before the scheduled hearing or trial. Parties should appear at all hearings or trials unless specifically told by Court staff that the matter has been continued.

Jury Trial

When the Plaintiff files a case in Small Claims Court, the Plaintiff gives up the right to a jury trial. If the Defendant wants a jury trial, the Defendant must demand by it by filing an affidavit no later than 10 days after being served with the Notice of Claim. The affidavit must state that there is a question of fact in the case which requires a jury trial, must explain this fact (or facts), and must state that the request for a jury trial is made in good faith. Within 10 days after the request has been granted, the Defendant must pay a \$70 fee at the Clerks' office or give up the right to the jury trial.

If the Defendant properly requests a trial by jury, the case will lose its status as a small claim and will be transferred to the Court's plenary docket. The plenary docket requires a much more formal procedure. All the legal rules of evidence and procedure will apply to the trial and each party should consult or retain an attorney for assistance in the case.

Settlement

The Court's decision may not always be the best result. The best result is one reached by the parties themselves through sincere effort. The Court encourages such settlement efforts between the Plaintiff and Defendant.

If the Plaintiff and Defendant are able to reach a settlement of the dispute before trial, the parties should put the settlement agreement in writing, sign the agreement, and file it with the Clerk. The Court will then approve the settlement and enter the agreement as the judgment in the case. The Court has judgment forms available.

Representation at Trial - Attorneys

Small Claims Rules allow individuals to appear in Small Claims Court and represent themselves without hiring an attorney. Although the small claims process is set up to be "user friendly" attorneys still provide a valuable resource with their knowledge of the law and to persuasively present or defend a case. Any party therefore is allowed to hire an attorney.

A Corporation must be represented by counsel where the claim is for more than \$1,500. Where the claim is \$1,500 or less, any business (corporation, partnership, sole proprietorship) may be represented by a full-time employee who has been formally designated to represent the business. For a corporation, this must be done by a resolution of the board of directors. A certificate showing compliance with this requirement and an affidavit from the employee must be on file with the Court, and these forms are available from the Court.

The actual owner or partner of a business can represent the business in any case regardless of the claim amount. If a Limited Liability Company (LLC) has provided for a manager in its articles of organization, that manager may represent the LLC in Small Claims Court. If there is no manager designated, then the LLC may be represented by a member.

Preparing for Trial

The burden is on you to prepare for your claim or counterclaim before trial and to bring to trial any evidence that will help you prove your case. (**Remember**, you will **not** have to bring your witnesses on the **first** hearing date unless the first hearing date is for an eviction because the first hearing date is used merely as a date to find out if the Defendant is going to dispute your claim). For example, you should bring the original contract, a copy of the rental lease, damaged goods if not too cumbersome, repair bills, doctor bills, receipts, photographs of damaged property, and copies of ledgers. Remember, the Judge knows nothing about your case and must make the decision solely on the basis of the evidence presented at trial.

If there are witnesses who have direct and personal knowledge of your case, and you expect them to testify for you, be sure that they know the time and place of the trial. If they are reluctant to appear at trial, you can require them to appear with a subpoena. The Clerk will provide you with a blank subpoena for you to complete. Requests for subpoenas should be made at the earliest possible date. Having exhibits and witnesses at trial are the sole responsibility of the parties.

Before trial, you may also request information from the other side about their case, such as documents and witnesses, but the Court must first approve such requests.

Trial

Arrive on time on the day of your trial. Unlike first hearings, your trial is usually set for a time that is just for your case. Sometimes, though, the Court may set your case as a second-choice case. This means that another case is set ahead of yours at the same time. Since cases often settle or do not take as long as expected, this is an attempt to have your case resolved sooner. However, to avoid wasting a trip to court, it is your responsibility to call the Court the day before your trial to make sure it is still on.

The trial will be conducted in an informal, yet orderly manner. The Plaintiff will present evidence first. The Plaintiff may do so by testifying on his or her own behalf and by also having other witnesses, including the Defendant, testify. After the completion of each witness' testimony, the Defendant will have an opportunity to cross-examine the witness by asking questions. The Plaintiff may also show the Court exhibits (physical evidence), such as photographs, receipts, contracts, repair bills and estimates, written leases, or other items to support the claim for money.

After the Plaintiff has presented evidence, the Defendant may likewise present evidence by testifying on his or her own behalf, presenting witnesses to testify, and presenting exhibits. After the completion of each witness' testimony, the Plaintiff will have an opportunity to cross-examine the witness.

After the Defendant has presented evidence, the Plaintiff may present additional evidence, but only to respond to what the Defendant has presented. After the Plaintiff has presented this "rebuttal evidence" (if any), both parties may make a final argument to the Court. Remember, although the trial is informal, all parties are subject to contempt of court for rude behavior and subject to criminal prosecution for perjury (lying under oath).

The Judge must base his decision only on the facts presented by the parties at the trial and on the law as it applies to those facts. Your presentation should be informative as to relevant dates, parties involved, actions taken or not taken, and damages. Remember that the Judge has no knowledge of the events surrounding your claim and may only base his decision on the evidence presented at trial. You will not be permitted to supplement this evidence after trial, unless permitted by the judge.

Burden of Proof

If you are seeking recovery of money damages, you must prove that you are entitled to recover these damages by a **preponderance of the evidence**. In other words, your evidence must be **more convincing** than that of the other party. If the evidence submitted by your opponent is equally convincing, you will lose your claim.

Your evidence must prove two things before the Court will give you a judgment for damages:

1. **Liability** - You must prove to the Court, by your evidence, that the other party has done something that makes him or her responsible to you for damages.
2. **Damages** - You must then prove the actual amount of damages (money) that you are entitled to recover. The Judge may not speculate or guess about the amount the damages.

6

In a property damage case, the amount of damages is usually the difference between the value of the property before the accident and the value of the property after the accident. Repair estimates are one way of proving that amount, unless the cost of repair exceeds the value of the property before the accident.

Judge's Decision (Judgment)

After trial, the Court may immediately enter judgment or take the matter under advisement and later mail a written judgment to the parties. The judgment will also be entered into the Court record.

The Court will also order the losing party to pay the **court costs** (filing fees) of the party who wins a monetary judgment.

Interest on a judgment is set by law at 8% and will begin to accrue from the date of the judgment. When partial payments are made toward a judgment, they are first applied to any accrued interest and then to the judgment amount.

If Plaintiff Fails to Appear

If the Plaintiff fails to appear for the first hearing, the Court will dismiss the claim **without prejudice** (meaning that the Plaintiff may re-file the claim upon paying another filing fee). If the Defendant appears and has properly filed a counterclaim, and if the Plaintiff fails to appear, the Court may enter a default judgment against the Plaintiff on the counterclaim (see Default Judgment). If the Plaintiff re-files the claim and fails to appear a second time, the Court will dismiss the claim **with prejudice** (meaning that the Plaintiff will not be able to re-file the claim).

If the Plaintiff appeared for the first hearing, but fails to appear for the contested trial, the Court may hear the Defendant's evidence and enter a final judgment in the Defendant's favor.

If Defendant Fails to Appear (Default Judgment)

If the Defendant fails to appear for the first hearing, the Plaintiff may request the Court to enter a **default judgment** against the Defendant for the amount stated in the claim.

In order for the Court to enter a default judgment, the Plaintiff (or Defendant on a counterclaim) must show the following:

1. That there is a reasonable probability that the Defendant received the Notice of Claim;
2. That the Plaintiff has no information that the Defendant has any legal, physical, or mental disability that would prevent the Defendant from attending and understanding the trial; **and**
3. That the Plaintiff is entitled to the judgment requested.

The Plaintiff may prove the above requirements by giving testimony to the Court or by completing an affidavit.

If the Defendant appeared for the first hearing, but fails to appear for the contested trial the Court may hear the Plaintiff's evidence and enter a final judgment in the Plaintiff's favor.

Vacating a Default Judgment

If the Court has entered a default judgment against the Defendant, the Defendant may file a written request to have the Court set aside the default judgment. The Defendant must file the written request within one year from the date of the default judgment. If properly filed, the Court may schedule a hearing and the Defendant must show “good cause” for setting aside the judgment. If the Court sets aside the default judgment, the Court will schedule the claim for a new trial for both parties.

If the one year period has passed, the Defendant may sue to attack the judgment, but the Defendant should consult an attorney to properly do so.

Appeal

If either party is not satisfied with the Court’s decision, he or she may appeal the decision to the Indiana Court of Appeals. **In order to appeal, the party must take certain action within 30 days of the Court’s judgment.** Because of the complicated and strict rules for appeals, the party seeking an appeal should consult with an attorney as soon as possible after the judgment.

Collection of the Judgment

The Court, after entering a money judgment, may order the judgment to be paid in full or in specified installments. If the **Debtor** (the party owing the money) does not comply with the Court’s order, the Court may modify the order and make other orders the Court deems necessary. There are legal remedies available to help the **Creditor** (the party to whom the money is owed) enforce the judgment. Pursuing these remedies and the Debtor, however, is your responsibility. The length of time it will take depends upon both your diligence and the debtor’s ability to pay (see **Proceedings Supplemental**).

Proceedings Supplemental

If the Creditor has been unable to collect a judgment, he may file **proceedings supplemental** against the Debtor. Proceedings supplemental forms are available at the Court offices.

After the proceedings supplemental is filed, the Court will order the Debtor to personally appear in Court. If the Debtor is a business, you should provide the name of a specific person that the Court will order to appear in court in behalf of the business.

If the Sheriff can serve the Debtor at the address you provide with the order to appear, and Debtor appears for the hearing, then you must be present to examine the Debtor under oath concerning his or her assets and income. After the examination has been concluded, the Court may order various types of relief, including garnishment of the Debtor’s wages.

If the Debtor is served with an order to appear and does not appear, the Creditor may request the Court to issue a body attachment to have the Debtor arrested (but the Sheriff will not serve a body attachment unless the attachment has the Debtor’s identifying information such as date of birth, social security number, and physical description).

If the Debtor cannot be found to be served with the order to appear, the Creditor may request that the hearing be continued for a period of time to enable the Creditor to find the Debtor and to serve him or her.

There are other means of collection available, such as forcing the sale of the Debtor’s personal property, but an attorney is recommended for this procedure. If the Debtor testifies that he or she has no assets or income, the Plaintiff may re-file the proceedings supplemental and request the Court to order the Debtor to appear at a later date.

After Collection of Judgment

When the judgment has been collected in full, the Creditor must file a Satisfaction of Judgment form which has been signed by the Creditor. The forms are available at the Court offices.

What Every Landlord and Tenant Needs to Know

The landlord and tenant should carefully check references, credit histories, and prior landlords or tenants and even court records **before** entering into any lease agreement. All leases, notices, requests for repairs, communications between landlord and tenant, rent payments, and rent receipts **should be in writing** (although they may not be required to be in writing) to prevent disputes that the Court must settle. You should conduct a walk-through of the property before you take possession and note in writing any and all damages that exist.

If the landlord accepts late rent payments, future late rent payments may not be considered a breach of the lease, unless the landlord has notified (preferably in writing) the tenant that future late payments will not be accepted and will be considered a breach of the lease.

Unless the terms of the lease provide otherwise, the general rule is that a month-to-month lease, written or oral, requires advance notice of 30 days for either the landlord or tenant for termination. There are certain situations listed by statute (I.C. 32-31-1-8), however, where advance notice is not required. For example, if the rent has not been paid, the landlord can ask the tenant to vacate without advance notice. Actual eviction by the sheriff, however, requires a court order.

The landlord may assess reasonable late rent charges only if the tenant has agreed in advance to the practice. Late fees may be assessed only for a reasonable period after payment is due and cannot be imposed after the tenant has vacated the premises. Landlords have the right to enter the premises at reasonable times and with reasonable notice to make repairs and inspections; they are entitled to immediate access to make emergency repairs and inspections.

The landlord's duties to a tenant are provided by statute (I.C. 32-31-8-5). The tenant may enforce the duties by filing a lawsuit, but not by withholding rent. Beyond these duties, the landlord has no duty to make repairs unless the landlord has agreed to do so. The tenant must inform the landlord promptly when a repair is needed. If the landlord has a duty to make the repair and fails to do so within a reasonable time after notice, the tenant may have the repair completed and may deduct the cost from the rent, but only if the repair is essential and if the tenant has requested the repair.

A tenant's duties are also provided by statute (Indiana Code 32-31-7-5). A landlord may enforce these duties and any obligation under a lease by filing a lawsuit, or by withholding all or part of a security deposit paid by the tenant. Where damages to the property are claimed, a landlord may only recover when the damage exceeds normal wear and tear.

The landlord may not keep any portion of a damage or security deposit unless there is back rent due or damages to the premises. The landlord must, within 45 days of receiving the tenant's forwarding address in writing, either refund in full any security or damage deposit or deliver to the tenant an itemized, written statement showing why all or part of the deposit is being kept by the landlord. Failure by the landlord to do this could result in the landlord being unable to recover any damages and having to return the security deposit in full.

The tenant should return all keys to the landlord as soon as the premises have been vacated. If the landlord has to change the locks because the tenant fails to return the keys, the landlord may deduct the cost of the new locks from the security deposit.

A landlord may not interrupt a tenant's utilities or deny a tenant access to the premises unless the tenant has abandoned the premises and has quit paying rent. Illegal lockouts or utility shut offs could result in a judgment for punitive damages against the landlord.

The landlord may not hold the tenant's personal property as security for unpaid rent UNLESS the Court rules that the property is abandoned or the Court orders the landlord to attach the property, in which case the landlord may dispose of the property and apply its value against any judgment the landlord has against the tenant.

If the Court awards possession of the premises to the landlord, the landlord may seek a court order allowing the landlord to remove and deliver the tenant's personal property to a warehouse for storage. In such an event, the warehouse has a lien or claim against the property for expenses. The tenant is responsible for the expenses associated with the storage of the property.

Finally, the landlord is required to mitigate his or her damages. For example, if the tenant leaves the premises before the lease ends, the landlord must make every reasonable effort to re-rent the premises and reduce the rent due from the tenant for the remainder of the lease.

Telephone Numbers, Addresses and Websites

For information and forms on how to file a small claims case:

Hamilton County Clerk of Courts

One Hamilton County Square, Suite 106

Noblesville, Indiana 46060-2233 (317) 776-9712

Website for clerk.

.www.co.hamilton.in.us

For information, forms, and procedures after the small claims case has been filed, contact the appropriate Court below:

Hamilton Superior Court 4

One Hamilton County Square, Suite 292

Noblesville, Indiana 46060-2231 (317) 776-9612

Hamilton Superior Court 5

One Hamilton County Square, Suite 297

Noblesville, Indiana 46060-2231 (317) 776-8260

Website for Courts 4 and 5

.www.in.gov/hcc

For information on corporations:

Indiana Secretary of State

Corporations Division

State Office Building

302 West Washington Street

Indianapolis, Indiana 46204..... (317) 232-6576

Website for Secretary of State

.www.in.gov/sos

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